

1 EDMUND G. BROWN JR.  
2 Attorney General of the State of California  
3 DAVID S. CHANEY  
4 Chief Assistant Attorney General  
5 FRANCES T. GRUNDER  
6 Senior Assistant Attorney General  
7 JONATHAN L. WOLFF  
8 Supervising Deputy Attorney General  
9 SARA UGAZ, State Bar No. 239031  
10 Deputy Attorney General  
11 455 Golden Gate Avenue, Suite 11000  
12 San Francisco, CA 94102-7004  
13 Telephone: (415) 703-5716  
14 Fax: (415) 703-5843  
15 Email: Sara.Ugaz@doj.ca.gov  
16  
17 Attorneys for Defendants R. Horel, R. Rice, D.  
18 Hawkes, M. Pena, R. Moore, K. McGuyer, C.  
19 Scavetta, and G. Kelly

OSF  
**ORIGINAL**

E-filing

SI

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 CV 07 Case No. 6060  
15 JACK L. MORRIS,

Plaintiff,

16 v.

17 ROBERT A. HOREL, WARDEN, et al.,

Defendants.

Case No. \_\_\_\_\_

(Del Norte County Superior  
Court, Case No. CVP1 07-1388)

**NOTICE OF REMOVAL OF  
ACTION UNDER 28 U.S.C. §  
1441(b) (FEDERAL  
QUESTION)**

20 TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO PLAINTIFF:

21 PLEASE TAKE NOTICE that Defendants R. Horel, R. Rice, D. Hawkes, M. Pena, R.  
22 Moore, K. McGuyer, C. Scavetta, and G. Kelly (Defendants) remove to this Court the state court  
23 action described below:

24 1. On August 20, 2007, Plaintiff Jack L. Morris (Plaintiff), a state prisoner, commenced a  
25 civil suit in the Superior Court of the State of California, Del Norte County, entitled *Jack L.*  
26 *Morris v. Robert A. Horel, Warden et al.*, Case No. CVP1-07-1388. In Plaintiff's Complaint, he  
27 alleges that on July 26, 2006, Defendant Hawkes issued him a Rules Violation Report for  
28

Not. Removal

*J. Morris v. Horel, et al.*  
Case No. \_\_\_\_\_

1 unauthorized business dealings while he was incarcerated in Pelican Bay State Prison. (Compl.  
2 3(a).) The Rules Violation Report contained the names, prison numbers, and prison gang  
3 affiliations of Plaintiff and of nine other inmates who were also accused of unauthorized business  
4 dealings and issued identical Rules Violation Reports. (*Id.*) Plaintiff alleges that the disclosure  
5 of his private biographical information to the nine other inmates violates his right to privacy  
6 under the “California Constitution Art. I § 1, and the U.S. Const. Fourteenth Amendment Due  
7 Process and Equal Protection.” (*Id.*)

8 Plaintiff also alleges that Defendant D. Hawkes acted with “general negligence” because he  
9 failed to redact his private biographical information from the nine other Rules Violation Reports.  
10 (*Id.*) Plaintiff alleges that Defendants R. Moore and M. Pena were also negligent and violated  
11 several California Civil Code statutes because they should have corrected Defendant Hawkes’  
12 mistake. (Compl. 3(b)-3(c).) Plaintiff also alleges that Defendants R. Horel, R. Rice, D.  
13 Hawkes, M. Pena, R. Moore, K. McGuyer, C. Scavetta, and G. Kelly are “subject to vicarious  
14 liability for CDCR employee [sic] negligent acts.” (*Id.* at 3(e).)

15 Plaintiff seeks compensatory damages, punitive damages, and declaratory and injunctive  
16 relief. (*Id.* at 3(i).)

17 2. On November 6, 2007, Defendants R. Horel, R. Rice, D. Hawkes, M. Pena, R. Moore,  
18 K. McGuyer, and G. Kelly were served at Pelican Bay State Prison with copies of the Summons  
19 and Complaint. This was the first date any Defendant was served with the Summons and  
20 Complaint. Defendant C. Scavetta was subsequently served in Vacaville, California.

21 3. Under 28 U.S.C. § 1331, this civil action is within the original jurisdiction of this  
22 Court. Defendants may remove this case to this Court under 28 U.S.C. § 1441(b) because  
23 Plaintiff alleges that Defendants violated his rights under the Fourteenth Amendment to the  
24 United States Constitution and his right to Equal Protection.

25 4. All served Defendants join in this Notice of Removal.

26 5. Under 28 U.S.C. § 1446(a), attached is the state-court file in this case, as served on  
27 Defendants:

28 ///

Not. Removal

*J. Morris v. Horel, et al.*  
Case No. \_\_\_\_\_

- a. Exhibit A: Complaint, August 20, 2007
  - b. Exhibit B: Summons, dated August 20, 2007

Dated: November 29, 2007

Respectfully submitted,

EDMUND G. BROWN JR.  
Attorney General of the State of California

**DAVID S. CHANEY**  
Chief Assistant Attorney General

FRANCES T. GRUNDER  
Senior Assistant Attorney General

JONATHAN L. WOLFF  
Supervising Deputy Attorney General

$\int_{-\infty}^{\infty} g(x) dx = 0$

SARA UGAZ

**SARITA GARG**  
Deputy Attorney General

Attorneys for Defendants R. Horel, R. Rice, D. Hawkes, M. Pena, R. Moore, K. McGuyer, C. Scavetta, and G. Kelly

40191571.wpd  
SE2007403142

# **EXHIBIT A**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

JACK L. MORRIS, CDCR I.D. NO. C-06409  
 PELICAN BAY STATE PRISON  
 P.O. BOX 7500  
 CRESCENT CITY, CA. 95531-7500  
 TELEPHONE NO.: N/A  
 FAX NO.: N/A

FOR COURT USE ONLY

ATTORNEY FOR (Name): IN PRO PER

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF DEL NORTE**

STREET ADDRESS: 450 H STREET, ROOM 209

MAILING ADDRESS: 450 H STREET, ROOM 209

CITY AND ZIP CODE: CRESCENT CITY, CA. 95531

BRANCH NAME: DEL NORTE COUNTY SUPERIOR COURT

CASE NAME: JACK L. MORRIS V. ROBERT A. HOREL, WARDEN, et al.,

**RECEIVED**

AUG 20 2007

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF DEL NORTE****CIVIL CASE COVER SHEET**

Unlimited     Limited  
 (Amount demanded exceeds \$25,000)    (Amount demanded is \$25,000 or less)

**Complex Case Designation**  
 Counter     Joinder  
 Filed with first appearance by defendant  
 (Cal. Rules of Court, rule 3.402)

CASE NUMBER:

CVPI-07-1388

JUDGE:

DEPT.:

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

**Auto Tort**

- Auto (22)  
 Uninsured motorist (46)

**Other PI/PD/WD (Personal Injury/Property****Damage/Wrongful Death) Tort**

- Asbestos (04)  
 Product liability (24)  
 Medical malpractice (45)  
 Other PI/PD/WD (23)

**Non-PI/PD/WD (Other) Tort**

- Business tort/unfair business practice (07)  
 Civil rights (08)  
 Defamation (13)  
 Fraud (16)  
 Intellectual property (19)  
 Professional negligence (25)  
 Other non-PI/PD/WD tort (35)

**Employment**

- Wrongful termination (36)  
 Other employment (15)

**Contract**

- Breach of contract/warranty (06)  
 Collections (09)  
 Insurance coverage (18)  
 Other contract (37)

**Real Property**

- Eminent domain/Inverse condemnation (14)  
 Wrongful eviction (33)  
 Other real property (26)

**Unlawful Detainer**

- Commercial (31)  
 Residential (32)  
 Drugs (38)

**Judicial Review**

- Asset forfeiture (05)  
 Petition re: arbitration award (11)  
 Writ of mandate (02)  
 Other judicial review (39)

**Provisionally Complex Civil Litigation**  
**(Cal. Rules of Court, rules 3.400-3.403)**

- Antitrust/Trade regulation (03)  
 Construction defect (10)  
 Mass tort (40)  
 Securities litigation (28)  
 Environmental/Toxic tort (30)  
 Insurance coverage claims arising from the above listed provisionally complex case types (41)

**Enforcement of Judgment**

- Enforcement of judgment (20)

**Miscellaneous Civil Complaint**

- RICO (27)  
 Other complaint (not specified above) (42)

**Miscellaneous Civil Petition**

- Partnership and corporate governance (21)  
 Other petition (not specified above) (43)

2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a.  Large number of separately represented parties  
 b.  Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve  
 c.  Substantial amount of documentary evidence  
 d.  Large number of witnesses  
 e.  Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court  
 f.  Substantial postjudgment judicial supervision

3. Type of remedies sought (check all that apply):

- a.  monetary    b.  nonmonetary; declaratory or injunctive relief    c.  punitive

4. Number of causes of action (specify): 3 (GENERAL NEGLIGENCE; RESPONDENT SUPERIOR; INJUNCTIVE RELIEF)

5. This case  is  is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 8-2-07

Jack L Morris

(TYPE OR PRINT NAME)

Jack L Morris

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

JACK L. MORRIS, C.D.C.R I.D. NO. C-06409  
 PELICAN BAY STATE PRISON  
 P.O. BOX 7500  
 CRESCENT CITY, CA. 95531. 7500

TELEPHONE NO.: N/A

FAX NO. (Optional): N/A

E-MAIL ADDRESS (Optional): N/A

ATTORNEY FOR (Name): IN PRO PER

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF DEL NORTE**

STREET ADDRESS: 450 H STREET, ROOM 209

MAILING ADDRESS: 450 H STREET, ROOM 209

CITY AND ZIP CODE: CRESCENT CITY, CA. 95531

BRANCH NAME: DEL NORTE COUNTY SUPERIOR COURT

PLAINTIFF: JACK L. MORRIS

DEFENDANT: ROBERT A. HOREL, WARDEN, et al.

 DOES 1 TO**COMPLAINT-Personal Injury, Property Damage, Wrongful Death** AMENDED (Number):

Type (check all that apply):

- MOTOR VEHICLE     OTHER (specify):  
 Property Damage     Wrongful Death  
 Personal Injury     Other Damages (specify):

Jurisdiction (check all that apply):

 ACTION IS A LIMITED CIVIL CASEAmount demanded  does not exceed \$10,000 exceeds \$10,000, but does not exceed \$25,000 ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) ACTION IS RECLASSIFIED by this amended complaint from limited to unlimited from unlimited to limited**ENDORSED  
FILED**

AUG 20 2007

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF DEL NORTE

CASE NUMBER:

CVPI-07-1388

1. Plaintiff (name or names): JACK L. MORRIS

alleges causes of action against defendant (name or names): ROBERT A. HOREL; C.M. SCAYETTA; G.A. KELLY; K. MCGUVERN; M. PERAI; R. RICE; D. HAWKES; AND R. MOORE

2. This pleading, including attachments and exhibits, consists of the following number of pages: 37

3. Each plaintiff named above is a competent adult - YES

a.  except plaintiff (name):

- (1)  a corporation qualified to do business in California
- (2)  an unincorporated entity (describe):
- (3)  a public entity (describe):
- (4)  a minor     an adult
  - (a)  for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
  - (b)  other (specify):
- (5)  other (specify):

b.  except plaintiff (name):

- (1)  a corporation qualified to do business in California
- (2)  an unincorporated entity (describe):
- (3)  a public entity (describe):
- (4)  a minor     an adult
  - (a)  for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
  - (b)  other (specify):
- (5)  other (specify):

 Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

Page 1 of 3

SHORT TITLE:

JACK L. MORRIS vs. ROBERT A. HOREL, WARDEN, et al.

CASE NUMBER:

CVPI-07-1388

4.  Plaintiff (name): JACK L. MORRIS  
is doing business under the fictitious name (specify): N/A

- and has complied with the fictitious business name laws.  
5. Each defendant named above is a natural person - yes

a.  except defendant (name) :c.  except defendant (name) :

- (1)  a business organization, form unknown  
(2)  a corporation  
(3)  an unincorporated entity (describe) :  
(4)  a public entity (describe) :  
(5)  other (specify) :

- (1)  a business organization, form unknown  
(2)  a corporation  
(3)  an unincorporated entity (describe) :  
(4)  a public entity (describe) :  
(5)  other (specify) :

b.  except defendant (name) :d.  except defendant (name) :

- (1)  a business organization, form unknown  
(2)  a corporation  
(3)  an unincorporated entity (describe) :  
(4)  a public entity (describe) :  
(5)  other (specify) :

- (1)  a business organization, form unknown  
(2)  a corporation  
(3)  an unincorporated entity (describe) :  
(4)  a public entity (describe) :  
(5)  other (specify) :

- Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a.  Doe defendants (specify Doe numbers): \_\_\_\_\_ were the agents or employees of other named defendants and acted within the scope of that agency or employment.  
b.  Doe defendants (specify Doe numbers): \_\_\_\_\_ are persons whose capacities are unknown to plaintiff.
7.  Defendants who are joined under Code of Civil Procedure section 382 are (names):
8. This court is the proper court because
- a.  at least one defendant now resides in its jurisdictional area.  
b.  the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.  
c.  injury to person or damage to personal property occurred in its jurisdictional area.  
d.  other (specify): EVERY ELEMENT OF THIS ACTION OCCURRED IN ITS JURISDICTIONAL AREA.
9.  Plaintiff is required to comply with a claims statute, and
- a.  has complied with applicable claims statutes, EXHAUSTED CAL. V.I.C. COMP. & CIV. Bd. CLAIM ON FEB. 22, 2007,  
b.  is excused from complying because (specify). PLAINTIFF RECEIVED NOTICE OF REQUESTION MARCH 8, 2007.

SHORT TITLE:

JACK L. MORRIS VS. ROBERT A. HOREL, WARDEN, et al.

C. NUMBER:

CVPI-07-1388

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):
- Motor Vehicle
  - General Negligence (PLEASE SEE ATTACHMENT 10, PAGES 3(a) - 3(d))
  - Intentional Tort
  - Products Liability
  - Premises Liability
  - Other (specify): RESPONDENT SUPERIOR VICARIOUS LIABILITY (PLEASE SEE ATTACHMENT 10, PAGE 3(e))
  - OTHER(SPECIFY): DECLARATORY AND INJUNCTIVE RELIEF (PLEASE SEE ATTACHMENT 10, PG. 3(f)-3(h))
11. Plaintiff has suffered
- wage loss
  - loss of use of property
  - hospital and medical expenses
  - general damage
  - property damage
  - loss of earning capacity
  - other damage (specify):
12.  The damages claimed for wrongful death and the relationships of plaintiff to the deceased are
- listed in Attachment 12.
  - as follows:
13. The relief sought in this complaint is within the jurisdiction of this court. YES
14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for
- (1)  compensatory damages
  - (2)  punitive damages (PLEASE SEE ATTACHMENT NO. 14 AT PG. 3(i) OF 3)
- The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):
- according to proof
  - in the amount of: \$ 250,000.00
15.  The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers): 8, 9, 10, 11, 12, 13, 14, 15, 16

Date: 8-2-07

Jack L. Morris

(TYPE OR PRINT NAME)

▶ Jack L. Morris

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE:

JACK L. MORRIS VS. ROBERT A. HAWKES, WARDEN, ET AL.,

CASE NUMBER:

PLD-PI-CE;

CVPI-07-1388

ATTACHMENT NO. 10: GENERAL NEGLIGENCE

1. ON JULY 26, 2006, DEFENDANT D. HAWKES, CORRECTIONAL COUNSELOR II ("CC II"), PELICAN BAY STATE PRISON ("PBSI"), OF THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION ("CDCR"), ISSUED A CDCR 115 RULE VIOLATION REPORT ("RVR") TO A TOTAL OF TEN INDIVIDUAL AND SEPARATE PBSI INMATES INCLUDING BUT NOT LIMITED TO PLAINTIFF. THE SPECIFIC CHARGE LISTED ON THE RVR WAS UNAUTHORIZED BUSINESS DEALINGS WHICH VIOLATES CALIFORNIA CODE OF REGULATIONS ("CCR"), TITLE 15 § 3024(a). (EXHIBIT A, PG. 1, COPY OF 7.26.06 CDCR 115 RVR, ATTACHED AND INCORPORATED BY REFERENCE HEREIN.) DEFENDANT D. HAWKES ACTED WITH GENERAL NEGLIGENCE UNDER CAL.CIV. CODE § 1714 WHEN HE BREACHED MANDATORY DUTIES AS OUTLINED IN CCR TITLE 15 § 3402 (a) (2006), CAL. CIV. CODE §§ 1798.21, 1798.24, AND 1798.42 (2006). SPECIFICALLY, DEFENDANT D. HAWKES HAD A MANDATORY DUTY TO NOT DISCLOSE TO PERSONS WHO ARE NOT AUTHORIZED BY LAW AND DEPARTMENTAL POLICY AND PROCEDURES TO RECEIVE SUCH INFORMATION AS IS PRIVATE, CONFIDENTIAL, AND RESTRICTED INFORMATION CONTAINED WITHIN PLAINTIFF'S PRISON CENTRAL FILE ("C-FILE"). WHEN DEFENDANT D. HAWKES DRAFTED THE CDCR 115 RVR HE WROTE TEN IDENTICAL AND INDIVIDUAL RVR(S). (PLEASE SEE DECL. OF JACK L. MORRIS, PG. 2, P. 4-5; DECL. OF W. CASTRO, PG. 2, P. 5; DECL. R. MONTENEGRU, PG. 2, P. 4; AND DECL. G. RAMIREZ, PG. 2, P. 5, ATTACHED AND INCORPORATED BY REFERENCE AS EXH. B.) THE CONTENTS OF THE RVR(S) CONTAINED INFORMATION RELATED TO PLAINTIFF'S CLASSIFICATION AS ASSOCIATION TO THE MEXICAN MAFIA PRISON GANG. (EXH. A, PG. 3.) THIS PRIVATE INFORMATION CAME FROM PLAINTIFF'S C-FILE AND DEFENDANT D. HAWKES NEGIGENTLY DISCLOSED IT TO NINE SEPARATE AND INDIVIDUAL CDCR INMATES BY INCLUDING THIS PRIVATE INFORMATION IN ALL TEN IDENTICAL RVR(S). DEFENDANT D. HAWKES NEGLIGENT DISCLOSURES ALSO VIOLATES PLAINTIFF'S RIGHT TO PRIVACY UNDER THE CALIF. CONST. ART. I § 1, AND THE U.S. CONST. FOURTEENTH AMENDMENT DUE PROCESS AND EQUAL PROTECTION. IN ADDITION TO THE ABOVE, DEFENDANT D. HAWKES IS LIABLE TO PLAINTIFF UNDER CAL. GOVT. CODE § 815.6, CAL. CIV. CODE /1798.48. D. HAWKES FAILED TO DELETE PLAINTIFF'S C-FILE CONTENTS FROM THE OTHER NINE RVR(S).

2. ON JULY 26, 2006, DEFENDANT R. MOORE, CORRECTIONAL SERGEANT, PBSI,  
COMPLAINT-PERSONAL INJURY, PROPERTY  
DAMAGE, WRONGFUL DEATH

PAGE 3(a) OF 3

SHORT TITLE:

CASE NUMBER:

TACK L. MORRIS VS. ROBERT A. HORN, WARDEN, et al.,

CVPI-07-1388

ATTACHMENT NO. 10 - GENERAL NEGLIGENCE (CONT.)

WAS THE REVIEWING SUPERVISOR WHO READ, REVIEWED AND APPROVED PLAINTIFF'S CDR 115 RVR (EXH. A, PG. 1), AS WELL AS APPROXIMATELY 9 OTHER RVR(S) (DECL. MORRIS, C-06409, PG. 2, P. 6.) DEFENDANT R. MOORE KNEW OR SHOULD HAVE KNOWN THAT THE OTHER NINE INDIVIDUAL AND SEPARATE CDR 115 RVR(S) CONTAINED PRIVATE, CONFIDENTIAL AND RESTRICTED INFORMATION RELATED TO PLAINTIFF'S CDR CLASSIFICATION AS ASSOCIATION TO THE MEXICAN MAFIA WHICH HAD COME FROM THE CONTENTS OF PLAINTIFF'S PRISON C-FILE AND SHOULD NOT BE DISCLOSED TO OTHER INMATES. DEFENDANT R. MOORE HAD A MANDATORY DUTY UNDER CCR TITLE 15 § 1402(a) (2006), CAL.CIV.CODE § 1798.21, 1798.24 (2006) TO NOT DISCLOSE THE CONTENTS OF PLAINTIFF'S C-FILE TO OTHER INMATES AS THEY ARE NOT AUTHORIZED BY LAW TO RECEIVE THIS INFORMATION. ADDITIONALLY, DEFENDANT R. MOORE HAD A MANDATORY DUTY UNDER CAL.CIV.CODE § 1798.42 TO DELETE OR HAVE DELETED PLAINTIFF'S PERSONAL INFORMATION FROM THE OTHER NINE CDR 115 RVR(S) ISSUED TO THE OTHER NINE INMATES PRIOR TO THE APPROVAL OF THE RVR(S) IN THEIR ORIGINAL FORM AND PRIOR TO BEING ISSUED TO THE OTHER NINE INMATES. DEFENDANT R. MOORE BREACHED HIS MANDATORY DUTIES DESCRIBED ABOVE BY APPROVING THE OTHER NINE RVR(S) IN THEIR ORIGINAL FORM WHICH RESULTED IN THE DISCLOSURE OF PLAINTIFF'S C-FILE CONTENTS TO NINE OTHER CDR INMATES. THIS AMOUNTS TO GENERAL NEGLIGENCE UNDER CAL.CIV.CODE § 1714 (2006) AND THE NEGLECTIVE DISCLOSURES ALSO VIOLATE PLAINTIFF'S RIGHT TO PRIVACY SECURED BY THE CALIF. CONST. ART. I, § 2; AND THE U.S. CONST. FOURTEENTH AMENDMENT DUE PROCESS AND EQUAL PROTECTION. IN ADDITION TO THE ABOVE, DEFENDANT R. MOORE IS LIABLE TO PLAINTIFF UNDER CAL.GOV'T. CODE § 815.6, AND CAL.CIV.CODE § 1798.48 (2006).

3. ON JULY 26, 2006, DEFENDANT M. PEÑA, CCII, PBSPI, CLASSIFIED THE TEN INDIVIDUAL AND SEPARATE CDR 115 RVR REFERENCED IN ABOVE PARAGRAPHS NO. 1 AND 2. (EXH. A, PG. 1; SEE ALSO, DECL. MORRIS, C-06409, PG. 2, P. 7.) AS SUCH, M. PEÑA READ AND REVIEWED EACH RVR BEFORE SHE ATTACHED A CLASSIFICATION TO IT. M. PEÑA

SHORT TITLE:

PLD-PI-001

JACK L. MORRIS vs. ROBERT A. HOREL, WARDEN, et al.,

CH. NUMBER:

CVPI-07-1388

ATTACHMENT NO. 10: GENERAL NEGLIGENCE (CONT.)

KNEW OR SHOULD HAVE KNOWN THAT THE OTHER NINE INDIVIDUAL AND SEPARATE RVR(S) UNRELATED TO PLAINTIFF CONTAINED PRIVATE, CONFIDENTIAL, AND RESTRICTED INFORMATION RELATED TO PLAINTIFF'S CDCR CLASSIFICATION AS ASSOCIATION TO THE MEXICAN MAFIA WHICH HAD COME FROM THE CONTENTS OF PLAINTIFF'S PRISON C-FILE AND SHOULD NOT BE DISCLOSED TO OTHER INMATES. DEFENDANT M. PEÑA HAD A MANDATORY DUTY UNDER CCR TITLE 15 § 3402(6) (2006), CAL. CIV. CODE § 1798.21, 1798.24 (2006) TO NOT DISCLOSE THE CONTENTS OF PLAINTIFF'S C-FILE TO OTHER INMATES AS THEY ARE NOT AUTHORIZED BY LAW TO RECEIVE THIS INFORMATION. ADDITIONALLY, PRIOR TO CLASSIFYING THE RVR(S) IN THEIR ORIGINAL FORM, DEFENDANT M. PEÑA HAD A MANDATORY DUTY UNDER CAL. CIV. CODE § 1798.42 (2006) TO DELETE OR HAVE DELETED PLAINTIFF'S PERSONAL INFORMATION FROM THE OTHER NINE RVR(S) BEFORE THEY WERE ISSUED TO THE OTHER NINE INMATES. DEFENDANT M. PEÑA BREACHED HER MANDATORY DUTIES DESCRIBED ABOVE BY CLASSIFYING THE OTHER NINE RVR(S) IN THEIR ORIGINAL FORM WITHOUT FIRST DELETING PLAINTIFF'S PRIVATE INFORMATION WHICH RESULTED IN THE DISCLOSURE OF PLAINTIFF'S C-FILE CONTENTS TO NINE OTHER CDCR INMATES. THIS AMOUNTS TO GENERAL NEGLIGENCE UNDER CAL.CIV. CODE § 1714 (2006) AND THE NEGLECTFUL DISCLOSURES ALSO VIOLATES PLAINTIFF'S RIGHT TO PRIVACY SECURED BY THE CALIF. CONST. ART. I, § 1, AND THE U.S. CONST. FOURTEENTH AMENDMENT DUE PROCESS AND EQUAL PROTECTION. IN ADDITION TO THE ABOVE, DEFENDANT M. PEÑA IS LIABLE TO PLAINTIFF UNDER CAL.GOV'T. CODE § 815.6, AND CAL.CIV.CODE § 1798.48 (2006).

4. AT NO TIME AND UNDER NO CIRCUMSTANCES HAS PLAINTIFF EVER AUTHORIZED (VERBALLY OR IN WRITING) THAT ANY NAMED DEFENDANT COULD DISCLOSE PLAINTIFF'S PRIVATE C-FILE INFORMATION TO ANY OTHER CDCR INMATE. PLAINTIFF'S RVR WAS ISSUED DUE TO HIS ALLEGED INDIVIDUAL ACTS. NO CONSPIRACY OR ATTEMPTED CONSPIRACY WAS CHARGED OR PROVEN, NOR EVIDENCE USED OF PRISON GANG CLASSIFICATION, AS IT WAS NOT THE BASES OF THE MISCONDUCT. DEFENDANTS D. HAWKES, R. MOORE, AND M. PEÑA'S NEGIGENT ACTS COMPROMISE AND JEOPARDIZE PLAINTIFF'S RIGHT TO COMPLAINT-PERSONAL INJURY, PROPERTY DAMAGE, WRONGFUL DEATH

SHORT TITLE:

PLD-PI-001

JACK L. MORRIS VS. ROBERT A. MOREL, WARDEN, ET AL.

CASE NUMBER:

CVPI-07-1388

ATTACHMENT NO. 10 : GENERAL NEGLIGENCE (CONT.)

PRIVACY AND SPECIFIC PRIVACY RELATED TO ANY ALLEGED PRISON GANG ASSOCIATION. (DECL. MORRIS, C-06409, PG. 3, PARA. NO. 10 - EXH. B.)

5. DEFENDANTS D. HAWKES, CCII, M. PEÑA, CCII, AND R. MOORE, CORRECTIONAL SERGEANT, VIOLATED MANDATORY DUTIES UNDER CAL. CIV. CODE §§ 1798.20 AND 1798.21 (2006) WHEN THEY FAILED TO ADHERE TO THE RULES OF CONDUCT AND SAFEGUARDS RELATED TO NOT DISCLOSING PLAINTIFF'S PRIVATE C-FILE INFORMATION TO NINE OTHER CDCR INMATES ON OR ABOUT JULY 26, 2006 AS PREVIOUSLY ALLEGED IN ABOVE PARAGRAPHS NO. 1-4.

6. DEFENDANTS D. HAWKES, M. PEÑA, AND R. MOORE'S BREACH OF MANDATORY DUTIES ALLEGED ABOVE UNDER CAL. CIV. CODE §§ 1798.20, 1798.21, 1798.24 AND 1798.42 ALLOWS PLAINTIFF A PRIVATE RIGHT OF ACTION AGAINST DEFENDANTS UNDER CAL. CIV. CODE § 1798.45(c)(2006) DUE TO DEFENDANTS' BREACH OF MANDATORY DUTIES HAVING AN ADVERSE IMPACT ON PLAINTIFF BY DISCLOSING PLAINTIFF'S PRIVATE C-FILE CONTENTS TO NINE OTHER CDCR INMATES ON OR ABOUT JULY 26, 2006. LIABILITY ATTACHES UNDER CAL. CIV. CODE § 1798.48.

111

11

SHORT TITLE:

PLD-PI-001

JACK L. MORRIS VS. ROBERT A. MOREL, WARDEN, ET AL.

CASE NUMBER:

CVPI-07-1388

ATTACHMENT NO. 10, (f): RESPONDENT SUPERIOR VICARIOUS LIABILITY

A. PLAINTIFF REFERS TO AND INCORPORATES BY REFERENCE HEREIN THE ALLEGATIONS OF PARAGRAPHS NO. 1-6, INCLUSIVELY.

B. PLAINTIFF BELIEVES AND THEREON ALLEGES, DEFENDANTS ROBERT A. MOREL, WARDEN, PBSP; C.M. SCAVETTA, ASSOCIATE WARDEN ("A.W."), PBSP; K. MCGUYER, CORRECTIONAL CAPTAIN, PBSP; G.A. KELLY, CORRECTIONAL CAPTAIN, PBSP; R. RICE, CORRECTIONAL LIEUTENANT, PBSP; R. MOORE, CORRECTIONAL SERGEANT, PBSP; M. PENA, CCII, PBSP; AND D. HAWKES, CCII, PBSP, ARE SUBJECT TO VICARIOUS LIABILITY FOR THEIR EMPLOYEE NEGLIGENCE ACTS ALLEGED ABOVE UNDER RESPONDENT SUPERIOR CAL.GOV'T. CODE § 815.2(a) APPLICABLE TO CALIFORNIA TORT CLAIMS.

///

//

ATTACHMENT 10, (a): REQUEST FOR DECLARATORY AND INJUNCTIVE RELIEF

9. PLAINTIFF REFERS TO AND INCORPORATES BY REFERENCE HEREIN THE ALLEGATIONS OF PARAGRAPH NO. 1-8; INCLUSIVELY.

10. PLAINTIFF BELIEVES AND THEREON ALLEGES, DUE TO DEFENDANTS VIOLATING PLAINTIFF'S RIGHT TO PRIVACY UNDER ALL THE AGREEMENTED CONSTITUTION SECTIONS, REGULATIONS, AND CAL. CIV. CODE SS 1798.20, 1798.21, 1798.24, 1798.4A, AND 1798.45 (c) (2006), PLAINTIFF IS ENTITLED TO INJUNCTIVE RELIEF UNDER CAL. CIV. CODE § 1798.47 (2006) TO ENJOIN DEFENDANTS FROM DISCLOSING PLAINTIFF'S PRIVATE, PERSONAL AND CONFIDENTIAL C-FILE CONTENTS TO ANY PERSON NOT AUTHORIZED BY LAW TO RECEIVE THE INFORMATION.

11. PLAINTIFF BELIEVES AND THEREON ALLEGES, HE IS FACED WITH GREAT OR IRREPARABLE INJURY. THE CONTINUED DEPRIVATION OF CONSTITUTIONAL RIGHTS CONSTITUTES IRREPARABLE HARM. ELROD V. BURNS, 427 U.S. 347 (1976). DEFENDANTS' CONDUCT OF DISCLOSING PRIVATE, PERSONAL AND CONFIDENTIAL INFORMATION TO PERSONS NOT AUTHORIZED BY LAW TO RECEIVE THE INFORMATION SHOULD NOT BE CONDUNED UNDER ANY CIRCUMSTANCES. IN ADDITION TO THE CONTINUED DEPRIVATION OF MY CONSTITUTIONAL RIGHTS, OTHER GREAT OR IRREPARABLE HARM INCLUDES BUT IS NOT LIMITED TO, OTHER CDR INMATES BECOMING AWARE OF PLAINTIFF'S PRIVATE C-FILE CONTENTS. (DEC'L. MORRIS, C-06409, PG.4.)

12. PLAINTIFF BELIEVES AND ALLEGES, THE BALANCE OF HARSHIPS FAVORS PLAINTIFF. PLAINTIFF SUFFERS THE DISCLOSURE OF HIS PRIVATE INFORMATION. DEFENDANTS WILL SUFFER NO HARSHIP IF ENGINED FROM CONTINUED DISCLOSURE OF PRIVATE AND NON-RELEVANT INFORMATION, WHICH WOULD ALSO BETTER SERVE PENALICAL INTERESTS. (Id. AT PG.4.)

13. PLAINTIFF BELIEVES AND THEREON ALLEGES, HE HAS A GREAT LIKELIHOOD OF SUCCESS ON THE MERITS AND DEFENDANTS HAVE NO LIKELIHOOD OF SUCCESS.

14. PLAINTIFF BELIEVES AND THEREON ALLEGES, THE RELIEF REQUESTED WILL SERVE THE PUBLIC INTEREST BY HAVING PRISON OFFICIALS OBEY THE LAW.

SHORT TITLE:

PLD-PI-001

JACK L. MORRIS VS. ROBERT A. HORNIG, WARDEN, ET AL.,

CASE NUMBER:

CVPI-07-1388

ATTACHMENT 10.(g): REQUEST FOR DECLARATORY AND INJUNCTIVE RELIEF (CONT.)

15. IF SECURITY IS REQUIRED TO BE POSTED, IN VIEW OF THE SERIOUS HARM PLAINTIFF FACES AND DUE TO HIS INDECENCY, THE COURT SHOULD GRANT RELIEF WITHOUT SECURITY POSTING.

16. PLAINTIFF BELIEVES AND THEREON ALLEGES, WHEN DEFENDANTS PLACED PLAINTIFF'S PERSONAL INFORMATION (CLASSIFICATION PRISON GANG ASSOCIATION) WHICH WAS INFORMATION THAT CAME FROM PLAINTIFF'S E-FILE INTO THE CONTENTS OF THE NINE OTHER CDCR INMATES RVR(s), DEFENDANTS DID SO EVEN THOUGH THEY HAD LESS SEVERE AND RESTRICTIVE OPTIONS AVAILABLE TO THEM. (DECL. MORRIS, C-06409, AT PG. 4.) DEFENDANTS COULD HAVE: (1) ISSUED EACH INDIVIDUAL INMATE A CDCR RVR THAT ALLEGED ONLY THAT SPECIFIC INMATE'S INVOLVEMENT WITH THE INFRACTION. DEFENDANTS COULD HAVE STILL USED THE "FLYER" (EXH. A, PG. 7) AS EVIDENCE TO SUPPORT THE INFRACTION. IF DEFENDANTS USED THE "FLYER" AS EVIDENCE THAT WOULD BE REQUIRED TO PROVIDE THE INMATE WITH A COPY OF THE "FLYER" TO MEET DUE PROCESS REQUIREMENTS. AT THIS POINT, DEFENDANTS COULD HAVE BLACKED OUT ALL THE NAMES OF OTHER INMATES ON THE FLYER EXCEPT FOR THE NAME THAT CORRESPONDED TO EACH INDIVIDUAL INMATE AND THEIR RVR - AND THE DEFENDANTS WOULD HAVE STILL BEEN ABLE TO OBTAIN GUILTY FINDINGS ON THE RVR WITHOUT DISCLOSING PERSONAL INFORMATION RELATED TO OTHER INMATE(S); OR IN THE ALTERNATIVE: (2) DEFENDANTS COULD HAVE ISSUED EACH INMATE A CDCR RVR THAT ALLEGED EACH INDIVIDUAL INMATE'S INVOLVEMENT WITH THE ALLEGED INFRACTION AND THEN PROVIDED EACH INMATE WITH A COPY OF "THE FLYER" AS EVIDENCE TO BE USED AGAINST THEM DURING THE RVR PROCEEDINGS. IF DEFENDANTS FELT IT IS/WAS IMPERATIVE TO NOT BLACK OUT ANY OTHER INMATE(S) NAMES ON THE FLYER BECAUSE IT MAY ALTER A PIECE OF EVIDENCE, THIS BEING A LEGITIMATE CONCERN, THEY COULD HAVE STILL REFRAINED FROM DISCLOSING PLAINTIFF'S PERSONAL INFORMATION (e.g., ALLEGED PRISON GANG ASSOCIATION) BECAUSE THEIR MAIN PIECE OF EVIDENCE "THE FLYER" MAKES NO REFERENCE TO AN INMATE'S ALLEGED GANG ASSOCIATION (ID.) NOR HAS THE RVR PRISON GANG ACTIVITY RELATED. (DECL. MORRIS, C-06409, PG.3, P.12, PG.4, P.11) DEFENDANTS WOULD STILL HAVE BEEN ABLE TO OBTAIN A GUILTY FINDING ON THE

SHORT TITLE:

JACIE L. MORRIS VS. ROBERT A. MOREL, WARDEN, ET AL.,

CASE NUMBER:

CVPI-07-1388

PLD-PI-001

ATTACHMENT 10; (g): REQUEST FOR DECLARATORY AND INJUNCTIVE RELIEF. (CONT.)

RVR WITHOUT DISCLOSING PERSONAL INFORMATION RELATED TO OTHER INMATES. THE ABOVE OPTIONS WERE AVAILABLE TO DEFENDANTS, THEY WERE LESS RESTRICTIVE AND WOULD HAVE PROTECTED PLAINTIFF'S PRIVACY RIGHTS AND CDCR PENALOGICAL GOALS AND INTERESTS, YET DEFENDANTS CHOSE TO DISREGARD THESE OPTIONS. (Id.)

//

/

SHORT TITLE:

JACK L. MORRIS VS. ROBERT A. HOREL, WARDEN, et al.

PLD-PE-CU

CASE NUMBER:

CVPI-07-1388

ATTACHMENT NO. 14: PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF RESPECTFULLY PRAYS THIS COURT GRANT JUDGEMENT AGAINST THE DEFENDANTS AS FOLLOWS:

1. COMPENSATORY DAMAGES;

2. PUNITIVE DAMAGES;

3. DECLATORY AND INJUNCTIVE RELIEF, DECLARING DEFENDANTS' DISCLOSURE OF PLAINTIFF'S PERSONAL INFORMATION (e.g., ALLEGED PRISON GANG ASSOCIATION) WHICH IS CONTAINED WITHIN PLAINTIFF'S PRISON C-FILE TO BE ILLEGAL IF DISCLOSED TO ANY PERSON NOT AUTHORIZED BY LAW TO RECEIVE THIS INFORMATION, AND ENJOIN DEFENDANTS' FROM DISCLOSING THIS KIND OF INFORMATION TO ANY PERSON NOT AUTHORIZED BY LAW TO RECEIVE IT, UNLESS THE DISCLOSED INFORMATION IS SPECIFICALLY RELATED TO AND LEGALLY REQUIRED TO BE DISCLOSED FOR THE PROSECUTION OF PRISON GANG OFFENSES (ADMINISTRATIVELY AND/OR JUDICIAILY), PRISON GANG ACTIVITY IS CHARGED IN THE COMPLAINT, AND DEFENDANTS CAN LEGALLY JUSTIFY THE DISCLOSURE;

4. ANY AND ALL OTHER RELIEF THAT THE COURT MAY DEEM PROPER; AND

5. DEMAND FOR JURY TRIAL.

DATED: JULY 09, 2007

Jack L. Morris  
JACK L. MORRIS  
PLAINTIFF  
IN PRO PER

SUIT TITLE:

PLD-PI-001

JACK L. MORRIS VS. ROBERT A. HERTEL, WARDEN, ET AL.

CASE NUMBER:

CVPI-07-1388

VERIFICATION

I, JACK L. MORRIS, VERIFY/DECLARE UNDER CCP SS 446 AND 2015.5 AND UNDER THE PENALTY OF PERJURY OF THE LAWS OF THE STATE OF CALIFORNIA THAT I HAVE READ THE CONTENTS OF THIS COMPLAINT AND ALL EXHIBITS ATTACHED IN SUPPORT, AND TO THE BEST OF MY KNOWLEDGE I BELIEVE THESE CONTENTS TO BE TRUE AND CORRECT; AND AS TO MATTERS ON INFORMATION AND BELIEF, I BELIEVE THEM TO BE TRUE AND CORRECT, AND THAT THIS COMPLAINT/VERIFICATION/DECLARATION WAS EXECUTED THIS 9TH DAY OF JULY, 2007, AT PBSP, CRESCENT CITY, CA., 95531, 7500.

Jack L. Morris  
JACK L. MORRIS, CCR I.D. NO. C-06409  
DECLARANT / PLAINTIFF  
IN PRO PER

EXHIBIT  
A

CASE NO. CVPI-07-1388 MERRIS V. HORNE, ET AL.; EXH.A, COPY OF 7-26-06 CBLR IIS RVR # DEC-07-0216,  
7 PAGES TOTAL

## RULES VIOLATION REPORT

CDC NUMBER C-06409	INMATE'S NAME MORRIS	RELEASE/BOARD DATE <i>(NEP)</i> 7-29-1989	INST. PBSP	HOUSING NO. D07-217L	LOG NO. D06-07-0018
VIOLATED RULE NO(S). 3024(a)	SPECIFIC AUTHORIZED BUSINESS DEALINGS	LOCATION IGI ROOM	DATE 07-14-06	TIME 0900 HRS	
CIRCUMSTANCES					

On July 14, 2006, the Institution Gang Investigation unit received for review flyers being sent in to various inmates at Pelican Bay State Prison Security Housing Unit from "Margie Ghiz" (Marguerite Ghiz-Gillies), 840 Grant Street, Santa Monica, CA, 90405 of Art Release (Artrelease.org). The flyers announced plans to have an art show called Art Behind Bars, also promoted by California Assembly member Jackie Goldberg. The art show reception is to take place at the Assembly member's office August 12, 2006, but then continue until October 12, 2006. Based on the previous activities of Art Release selling art work under the name Art Behind Bars at art shows, it is reasonable to believe that this is the purpose for this art show. Confidential Memorandum dated July 17, 2006 reports the activities of Ms. Ghiz-Gillies and others who have joined together to sell artwork for inmates in the Security Housing Unit.

CONT ON PART C

REPORTING EMPLOYEE (Typed Name and Signature) ► D. HAWKES, CORRECTIONAL COUNSELOR !!	DATE <i>7/26/06</i>	ASSIGNMENT IGI	RDO'S 2AW S/S/H
REVIEWING SUPERVISOR'S SIGNATURE ► SERGEANT R. MOORE	DATE <i>07/26/06</i>	DATE N/A	LOC
CLASSIFIED <input type="checkbox"/> ADMINISTRATIVE <input checked="" type="checkbox"/> SERIOUS	OFFENSE DIVISION <i>F</i>	CLASSIFIED BY (Typed Name and Signature) ► M. A. NATALE	HEARING REFERRED TO <input type="checkbox"/> HO <input type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC

COPIES GIVEN INMATE BEFORE HEARING

CDC 115 <input type="checkbox"/>	BY (STAFF'S SIGNATURE) ► W. Coloma	DATE <i>7/26/06</i>	TIME <i>10:05</i>	TITLE OF SUPPLEMENT ► 01030 Confidential Disclosure
INCIDENT REPORT LOG NUMBER: <input type="checkbox"/>	BY (STAFF'S SIGNATURE) ► N/A	DATE <i>N/A</i>	TIME <i>N/A</i>	BY (STAFF'S SIGNATURE) ► W. Coloma

HEARING

The issuing officer used simple English and short sentences to ensure the inmate understood what was issued to him as well as the circumstances of the offense.

*W. Coloma*  
SIGNATURE OF ISSUING OFFICER

PHOTOCOPY OF ART FLYER EVIDENCE GIVEN ON  
08-04-06. X *Ed. V. (Signature) 1145*

SEE ATTACHED 115-C FOR HEARING SUMMARY

REFERRED TO  CLASSIFICATION  BPT/NAEAACTION BY: (TYPED NAME)  
*R. Rive LT*SIGNATURE  
► *W. Coloma*DATE  
*7/16/06*TIME  
*1100*REVIEWED BY: (SIGNATURE)  
► *CAPTAIN G.A. KELLEY*DATE  
*8/7/06*CHIEF DISCIPLINARY OFFICER'S SIGNATURE  
► C.M. SCAVETTA A.W.DATE  
*8/16/06*TIME  
*1100* COPY OF CDC 115 GIVEN INMATE AFTER HEARINGBY: (STAFF'S SIGNATURE)  
► *W. Coloma*DATE  
*8/21/06*TIME  
*1130*

## RULES VIOLATION REPORT - PART C

CDC NUMBER C-06409	INMATE'S NAME MOKRIS	LOG NUMBER D06-07-0016	INSTITUTION FBSP	TODAY'S DATE 07-14-06
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF: <input checked="" type="checkbox"/> 115 CIRCUMSTANCES	<input type="checkbox"/> HEARING	<input type="checkbox"/> IE REPORT	<input type="checkbox"/> OTHER

The prisoner artists for this show are listed as Robert Amezcua H-11889 (C10-109, Mexican Mafia associate), William Castro C-42238 (D07-117, Mexican Mafia associate), David Delahanty H-98667 (D03-106L, Nazi Low Rider member), Robert Montenegro C-63849 (D07-118, Mexican Mafia associate), Jack L. Morris C-06409 (D07-217, Mexican Mafia associate), Gabriel Ramirez C-70702 (D07-218, Mexican Mafia associate), Gabriel Reyes C-88996 (D07-419, Mexican Mafia associate), Robert Stockton J-80992 (D07-124, not validated – evidence of association with Nazi Low Riders and Aryan Brotherhood), Martin Villa K-60438 (D07-212, Mexican Mafia associate), and Donald White J-74454 (D03-118, Nazi Low Riders member). Inmates Montenegro, Morris, Ramirez, Reyes, Stockton, and White were previously issued rule violation reports for their participation with Ghiz-Gillies in selling their artwork (disciplinary reduced from serious to a CDC 12BA). Amezcua was found guilty of a serious rule violation report for his selling of artwork also. This activity is in violation of California Code of Regulations, Title 15, Section 3024 (a), Business Dealings By inmates, which states in part, "Inmates shall not engage actively in a business or profession except as authorized by the institution head or as provided in Section 3104. For the purpose of this section, a business is identified as any revenue generating or profit making activity." Accordingly, inmates may not engage in revenue generating or profit making activities without first obtaining approval from the institution head (Warden). Even eligibility for participation in a handicraft program per Section 3100 requires the inmate to be in Privilege Group A or B (Section 3100 (b)). All of the stopped incoming mailings were disapproved according to Section 3024 (b), and the material deemed contraband per Section 3006 (c) (6). Notification of the disapproval and the authority for disapproval was provided to the inmates via CDC Form 1818. Additional information is documented in Confidential Memorandum dated July 17, 2006.

This inmate is not EOP or Crisis Bed. Following current guidelines for Mental Health Assessments, the circumstances of this offense have been carefully evaluated. The Reviewing supervisor has concluded that a Mental Health Assessment is not required.

SIGNATURE OF WRITER <i>CCIC D. MOKRIS</i>		DATE SIGNED <i>7-27-06</i>
<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature) <i>10. C. Lehman</i>	DATE SIGNED TIME SIGNED <i>7-27-06 1305</i>

## SERIOUS RULES VIOLATION REPORT

## PELICAN BAY SECURITY HOUR G UNIT

CDC NUMBER C-00000000	INMATE'S NAME MCKEE	VIOLATED RULE NO(S). 3024(b)	DATE 07-14-06	INSTITUTION PBSP	LOG NO. D06-07-0016
--------------------------	------------------------	---------------------------------	------------------	---------------------	------------------------

REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT  YES  NO

## POSTPONEMENT OF DISCIPLINARY HEARING

<input type="checkbox"/> I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE ► N/A	DATE N/A
<input type="checkbox"/> I REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE ► N/A	DATE N/A

DATE NOTICE OF OUTCOME RECEIVED 10/06	DISPOSITION N/A
--	--------------------

<input type="checkbox"/> I REVOKE my request for postponement.	INMATE'S SIGNATURE ► N/A	DATE N/A
--	-----------------------------	-------------

## STAFF ASSISTANT

STAFF ASSISTANT <input type="checkbox"/> REQUESTED	WAIVED BY INMATE <input checked="" type="checkbox"/>	INMATE'S SIGNATURE ► Refused to sign	DATE 7-27-06
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF	
<input checked="" type="checkbox"/> NOT ASSIGNED	REASON DNVR PER 3315 (d)(2)		

## INVESTIGATIVE EMPLOYEE

INVESTIGATIVE EMPLOYEE <input checked="" type="checkbox"/> REQUESTED	WAIVED BY INMATE <input type="checkbox"/>	INMATE'S SIGNATURE ► Refused to sign	DATE 7-27-06
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF	
<input checked="" type="checkbox"/> NOT ASSIGNED	REASON DNVR PER 3315(d)(2)		

EVIDENCE/INFORMATION REQUESTED BY INMATE:

## WITNESSES

WITNESSES REQUESTED AT HEARING (IF NOT PRESENT, EXPLAIN IN FINDINGS)

REPORTING EMPLOYEE  STAFF ASSISTANT  INVESTIGATIVE EMPLOYEE  OTHER \_\_\_\_\_  NONE

WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER) EVERYONE in the court room including inmates	GRANTED N/A	NOT GRANTED N/A	WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED N/A	NOT GRANTED N/A
---	----------------	--------------------	---	----------------	--------------------

INVESTIGATIVE REPORT: Investigative Employees must interview the inmate charged, the reporting employee, and any others who have significant information, documenting the testimony of each person interviewed. Review of files, procedures, and other documents may also be necessary.

INVESTIGATOR'S SIGNATURE  
►

DATE

<input type="checkbox"/> COPY OF CDC 115-A GIVEN INMATE	BY: (STAFF'S SIGNATURE) ► L.L. Colman	TIME 1305	DATE 7-27-06
---	--	--------------	-----------------

STATE OF CALIFORNIA  
RULES VIOLATION REPORT - PART C

DEPARTMENT OF CORRECTIONS

PAGE 1 OF 2

CDC NUMBER C-06409	INMATE'S NAME MORRIS	LOG NUMBER D06-07-0016	INSTITUTION PBSP	TODAY'S DATE August 13, 2006
-----------------------	-------------------------	---------------------------	---------------------	---------------------------------

<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF:	<input type="checkbox"/> CDC 115 CIRCUMSTANCES	<input checked="" type="checkbox"/> HEARING	<input type="checkbox"/> I.E. REPORT	<input type="checkbox"/> OTHER
---------------------------------------	--	--	---	--------------------------------------	--------------------------------

**Hearing:** The hearing was convened on August 11, 2006, at approximately 1100 hours, when I introduced myself to MORRIS as the Hearing Officer for this disciplinary. MORRIS stated he was in good health with normal vision and hearing. MORRIS acknowledged that he received a copy of the following document more than 24 hours in advance of the hearing: CDC-115. This report as well as the disciplinary charge of UNAUTHORIZED BUSINESS DEALINGS was reviewed with MORRIS in the hearing. He stated that he understood both and that he was prepared to begin the hearing.

**District Attorney:** This has not been referred for criminal prosecution.

**Due Process:** The behavior of this inmate was evaluated at the time that the Reviewing Supervisor reviewed this disciplinary report. The Reviewing Supervisor concluded that a mental health assessment was not required. The SHO concurs. There is no compelling need for a mental health assessment based upon the circumstances given in this report.

The disciplinary was served on the inmate within 15 days of discovery and the hearing was held within 30 days of service. The inmate received his copies of all documents more than 24 hours in advance of the hearing. There are no due process issues.

**Staff Assistant:** A Staff Assistant was not assigned as MORRIS agrees that he speaks English, is literate (that is, reads at 4.0 or above), the issues are not complex and a confidential relationship is not required. In the hearing, MORRIS confirmed that assignment of a Staff Assistant was not necessary.

**Investigative Employee:** An IE was not assigned as the issues are not complex, and the available information is sufficient. Per the CDC 115-A and his statements in the hearing, MORRIS requested IE assignment. I reviewed this request with MORRIS in the hearing. MORRIS states that he requires an IE for the following reason: to interview all the inmates listed on the Rules Violation Report. The Senior Hearing Officer determined that the witnesses would not provide any relevant information. MORRIS does not meet the criteria given in CCR 3315 (d)(1). Request denied.

**Request for Witnesses:** Although the inmate requested witnesses prior to the hearing, MORRIS waived all witnesses in the hearing. The SHO requested none.

**Video and photo evidence:** Videotape evidence was not an issue for this hearing.

**Plea:** MORRIS entered a plea of NOT GUILTY to the charge.

**Hearing testimony:** MORRIS gave the following testimony as his defense: Ms. Ghiz-Gillies is a personal friend. I gave her the drawings as a friend. I was aware that she is involved in the ART RELEASE project and that she does show artwork to the public. I've seen her .org internet website. MORRIS denies that he gave his artwork to Ms. Ghiz-Gillies for personal gain.

**Finding:** Guilty of the Div. F offense UNAUTHORIZED BUSINESS DEALINGS. *Unauthorized Business Dealings* is defined in CCR §3024(a) as being engaged in a business or profession without the prior approval of the Institutional head. This offense is appropriate where there is a reasonable expectation by the inmate(s) that entering into agreement with another person, whether formally or informally, will create revenue, regardless if those revenues benefit the inmate. This finding is based upon the following preponderance of evidence:

A. The testimony of CCII D. T. HAWKES in the disciplinary report of July 14, 2006, wherein CCII HAWKES testifies that on July 14, 2006, PBSP Institutional Gang Investigations Unit received and reviewed flyers from Marguerite Ghiz-Gillies of

SIGNATURE OF WRITER R. RICE	TITLE Correctional Lieutenant	DATE NOTICE SIGNED August 13, 2006	
COPY OF CDC-115-C GIVEN TO INMATE	GIVEN BY: (STAFF'S SIGNATURE) <i>W. Coleman</i>	DATE SIGNED: <i>8-27-06</i>	TIME SIGNED: <i>1138</i>

STATE OF CALIFORNIA  
RULES VIOLATION REPORT - PART C

DEPARTMENT OF CORRECTIONS

PAGE 2 OF 2

CDC NUMBER C-06409	INMATE'S NAME MORRIS	LOG NUMBER D06-07-0016	INSTITUTION PBSP	TODAY'S DATE August 13, 2006
-----------------------	-------------------------	---------------------------	---------------------	---------------------------------

SUPPLEMENTAL     CONTINUATION OF:     CDC 115 CIRCUMSTANCES     HEARING     I.E. REPORT     OTHER

ART RELEASE promoting an open reception of an art show titled ART BEHIND BARS featuring artists from PBSP including Jack L. Morris. ART RELEASE has previously sold artwork under the name ART BEHIND BARS at art shows.

B. The testimony by MORRIS that he did give artwork to Ms. M. Ghiz-Gillies and that he was aware she is in business under the name of ART RELEASE.

C. The confidential document of CCII D. T. HAWKES, dated July 17, 2006, was reviewed carefully by the Senior Hearing Officer. This document is confidential per CCR 3321 (a)(1) & (2) as divulging this information would endanger the safety of persons and jeopardize the security of the institution.

D. The CDC 1030 has been reviewed and compared with the corresponding confidential document. The information disclosed by this CDC 1030 has been compared against the information given in the confidential document. It is my conclusion that this CDC 1030 discloses as much of the relevant information concerning this offense as reasonably possible while, at the same time, not disclosing information endangering security.

E. Per CCR 3321(b)(1), confidential information can be accepted as the basis for a finding only under two conditions: either the confidential information is corroborated by additional documentation; or, the circumstances surrounding the event combined with the documented reliability of the informant satisfy the decision maker that the information is true.

**Disposition:** Assessed 30 day credit forfeiture for this Div. F offense. MORRIS was informed that his credit restoration period began July 15, 2006 and this restoration period is a minimum of three months (if within 60 days of scheduled release, the minimum is reduced to one month). If he is found guilty of any administrative or serious CDC-115 issued during this credit restoration period, he forfeits his eligibility for restoration. If he completes this restoration period disciplinary free, he may request a classification review. Classification will make the final determination whether he is eligible for restoration or request an additional period of disciplinary free conduct. Appeal rights were explained. MORRIS was referred to CCR §3084.1 and following for additional information on appeal procedures.

**Additional Penalties:** Counseled and reprimanded that any further violations will be charged based on the following: I believe the RVR was classified incorrectly as a Div. F offense. It is my opinion the correct classification of this RVR is the Div. B (8) offense CONSPIRACY to commit the B (6) offense THEFT, EMBEZZLEMENT, DESTRUCTION, MISUSE, ALTERATION, DAMAGE, UNAUTHORIZED ACQUISITION OR EXCHANGE OF PERSONAL PROPERTY, STATE FUNDS OR STATE PROPERTY VALUED IN EXCESS OF \$400. Noting that a conspiracy exists whenever two or more persons plan to commit a criminal act and their participation includes an overt act. An *overt act* is any action that commits the participants to carrying out this criminal act. In this particular offense, unauthorized acquisition of personal property, funds or property valued at more than \$400 is the goal of this conspiracy. *Unauthorized acquisition* means that this conspiracy planned to acquire personal property, funds or property by violating, circumventing or ignoring institutional guidelines governing business dealings by inmates. In this case, the planned method of this unauthorized acquisition was to obtain personal property or funds in excess of \$400 through the sales of inmate artwork by Ms. Ghiz-Gillies and the Art Behind Bars open reception held in the office of Assmeblymember Jackie Goldberg.

SIGNATURE OF WRITER R. RICE	TITLE Correctional Lieutenant	DATE NOTICE SIGNED August 13, 2006	
COPY OF CDC-115-C GIVEN TO INMATE	GIVEN BY: (STAFF'S SIGNATURE)	DATE SIGNED:	TIME SIGNED:

CONFIDENTIAL INFORMATION DISCLOSURE FORM

INMATE NUMBER

Morris, Jack

INMATE NAME:

C06409

1) Use of Confidential Information.

Information received from a confidential source(s) has been considered in the:

a) CDC-115, Disciplinary Report dated \_\_\_\_\_ submitted by \_\_\_\_\_

STAFF NAME, TITLE

b) CDC-114-D, Order and Hearing for Placement in Segregated Housing dated \_\_\_\_\_

2) Reliability of Source.

The identity of the source(s) cannot be disclosed without endangering the source(s) or the security of the institution.

This information is considered reliable because:

- a)  This source has previously provided confidential information which has proven to be true.
- b)  This source participated in and successfully completed a Polygraph examination.
- c)  More than one source independently provided the same information.
- d)  This source incriminated himself/herself in a criminal activity at the time of providing the information.
- e)  Part of the information provided by the source(s) has already proven to be true.
- f)  Other (Explain) \_\_\_\_\_

Art flyer, internet information, commitment offenses (C-File), Letters from Reyes and Ghiz-

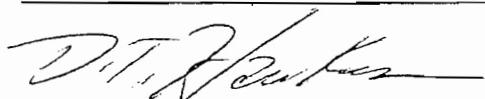
3) Disclosure of information received.

An unauthorized art show being sponsored by Margie Ghiz-Gillies of Art Release and Assemblymember Jackie Goldberg is scheduled to take place from August 12, 2006 to October 12, 2006 for the purpose of selling art work from PBSP-SHU inmates Robert Amezcua, William Castro, David Delahanty, Robert Montenegro, Jack Morris, Gabriel Ramirez, Gabriel Reyes, Robert Stockton, Martin Villa, and Donald White. Described are connections to Ed Mead (California Prison Focus, George Jackson Brigade) and Maoist Internationalist Movement. Cited are previous violations for the same type of activity from Amezcua, Montenegro, Morris, Ramirez, Reyes, Stockton, and White. Confidentiality is based on some personal information about individuals, including circumstances of commitment offenses and disciplinary history. It also contains references to confidential information from Central Files.

(If additional space needed, attach another sheet.)

4) Type and current location of documentation, (for example: CDC-128-B of 5-15-86 in the confidential material

fol. Confidential Memorandum dated July 17, 2006 in confidential section of C-File



D. T. Hawkes, Correctional Counselor II

STAFF SIGNATURE, TITLE

July 27, 2006

DATE DISCLOSED

DISTRIBUTION: WHITE ☐ Central File; GREEN ☐ Inmate; YELLOW ☐ Institution Use

# Art Behind Bars

Robert Amezcua  
William Castro  
David Delahanty  
Robert Victor Montenegro  
Jack L. Morris  
Gabriel Ramirez  
Gabriel Reyes  
Robert Stockton  
Martin Villa  
Doug White

August 12-October 12, 2006

Opening Reception  
Saturday, August 12, 6-9 p.m.

Office of CA State Assemblymember  
**Jackie Goldberg**  
106 N. Ave 56  
Highland Park, CA 90042

Art Release and Assemblymember Goldberg present

## Art Behind Bars

Drawings from the SHU (Secure Housing Unit) at Pelican Bay Prison

### **August 12-October 12, 2006**

Opening Reception, Saturday, August 12, 6-9 p.m.  
106 N. Ave 56 @ Figueroa, Highland Park.  
Take the Gold Line to the Ave 57 Highland Park station.

Participating in NELAart's Second Saturday Gallery Night.

For more information contact (323) 258-0450.

(EXH A , pg. 7)

pg. 7 of 7

# EXHIBIT

B

CASE NO. CVPI-07-1388 , MORRIS V. MONTENEGRU, ET AL.; DECL. MORRIS, C-06464; DECL. CASTRO, C-42238;  
DECL. MONTENEGRU, C-63849, W/ COPY OF 7.26.06 LDCR 115 RVH; DECL. RAMIREZ, C-76702

JACK L. MORRIS  
CDCR I.D. NO. C-06409  
P.O. BOX 7506  
CRESCENT CITY, CA.  
95531-7506

IN PRO PER

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF DEL NORTE

JACK L. MORRIS,

PLAINTIFF,

vs.

ROBERT A. HOREL, WARDEN, et al..

DEFENDANTS,

CASE NO. CVPI-07-1388

DECLARATION OF JACK L. MORRIS, CDCR  
I.D. NO. C-06409

I, JACK L. MORRIS, DECLARE AS FOLLOWS:

1. I AM A PARTY TO THIS ACTION. I AM THE PLAINTIFF PROCEEDING IN PROPRIA PERSONA. I AM COMPETENT TO TESTIFY TO THE MATTERS AS SET FORTH HEREIN, AND IF CALLED UPON TO DO SO, I WOULD AND COULD SO TESTIFY. I SUBMIT THIS DECLARATION IN SUPPORT OF MY CALIFORNIA TORT CLAIM LITIGATION AGAINST DEFENDANT ROBERT A. HOREL, WARDEN, et al..

2. ON JULY 27, 2006, I RECEIVED A CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION ("CDCR") 115 RULE VIOLATION REPORT ("RVR") LOG NO. D06-07-0016 FOR THE SPECIFIC INFRACTION OF CCR TITLE 15 § 3024(a) (2006) UNAUTHORIZED BUSINESS DEALINGS, (EXHIBIT A, PG. 1, COPY OF 7.26.06 RVR, ATTACHED AND INCORPORATED BY REFERENCE HEREIN.)

3. RVR NO. D06-07-0016 HAD BEEN AUTHORED BY D. HAWKES, CORRECTONAL

CASE NO. CVPI-07-1388, MORRIS V. HOREL, et al., DECL. MORRIS, C-06409

I,

COUNSELOR II ("CCII"), PBSPI; REVIEWED BY R. MOORE, CORRECTIONAL SERGEANT, PBSPI; AND CLASSIFIED BY M. PEÑA, CCII, PBSPI, ON JULY 26, 2006. (EXH. A, PG. 1.)

4. ON INFORMATION AND BELIEF, I ALIEGE D. HAWKES, CCII, AUTHORED A TOTAL OF TEN INDIVIDUAL AND SEPARATE RVR(S) TO BE ISSUED TO TEN INDIVIDUAL AND SEPARATE CDCR-PBSPI INMATES FOR THE SPECIFIC INFRACTION OF CCR TITLE 15 § 3624(a)(2006) UNAUTHORIZED BUSINESS DEALINGS. THIS OCCURRED ON JULY 26, 2006. THE CIRCUMSTANCES IN THE RVR AND CONTINUATION (CCR 15-C) WERE IDENTICAL IN ALL TEN RVR(S).

5. ON INFORMATION AND BELIEF, D. HAWKES, CCII, PBSPI, DISCLOSED MY PRIVATE AND PERSONAL INFORMATION RELATED TO MY ALLEGED ASSOCIATION TO THE MEXICAN MAFIA PRISON GANG IN THE BODY OF ALL TEN RVR(S). THIS PRIVATE INFORMATION CAME FROM THE CONTENTS OF MY PRISON CENTRAL FILE ("C-FILE") WHICH IS NOT TO BE DISCLOSED TO OTHER CDCR INMATES.

6. ON INFORMATION AND BELIEF, R. MOORE, CORRECTIONAL SERGEANT, PBSPI, WAS THE REVIEWING SUPERVISOR WHO REVIEWED AND APPROVED FOR ISSUANCE APPROXIMATELY NINE OF THE TEN RVR(S).

7. ON INFORMATION AND BELIEF, M. PEÑA, CCII, PBSPI, READ AND THEN CLASSIFIED THE TEN RVR(S).

8. ON INFORMATION AND BELIEF, D. HAWKES, CCII, PBSPI; M. PEÑA, CCII, PBSPI; AND R. MOORE, CORRECTIONAL SERGEANT, PBSPI, INDIVIDUALLY AND COLLECTIVELY, HAD THE ABILITY TO ORDER THAT THE OTHER NINE RVR(S) ISSUED TO OTHER INMATES THAT CONTAINED MY PRIVATE C-FILE INFORMATION (E.G., ALLEGED GANG ASSOCIATION) BE RE-WRITTEN SO MY PERSONAL INFORMATION WOULD NOT BE DISCLOSED TO OTHER INMATES.

9. I HAVE NEVER AUTHORIZED ANY CDCR EMPLOYEE INCLUDING BUT NOT LIMITED TO, D. HAWKES, CCII, PBSPI, M. PEÑA, CCII, PBSPI, AND R. MOORE, CORRECTIONAL SERGEANT, PBSPI, THE RIGHT TO DISCLOSE ANY OF MY PRIVATE AND PERSONAL

INFORMATION INCLUDING BUT NOT LIMITED TO MY ALLEGED ASSOCIATION TO THE MEXICAN MAFIA PRISON GANG, TO ANY OTHER PERSON AND ESPECIALLY NOT ANOTHER CDCR INMATE.

10. THE DISCLOSURE OF MY PRIVATE INFORMATION TO OTHER CDCR INMATES BY D.HAWKES, M.PENA AND R.MOORE IS PREJUDICIAL TO MY RIGHT TO PRIVACY AND JEOPARDIZES MY PERSONAL WELL BEING. (SEE ALSO, PARA. NO.13, OF THIS DECL.)

11. ON INFORMATION AND BELIEF, OF THE TEN INMATES WHOSE NAMES ARE LISTED ON PAGE 2 OF MY RVR I HAVE PERSONALLY MET FOUR OF THESE INMATES WHICH WOULD INCLUDE: (1) WILLIAM CASTRO, C-41238; (2) ROBERT MONTENEGRO, C-63849; (3) GABRIEL RAMIREZ, C-76762; AND (4) GABRIEL REYES, C-88996. I HAVE NEVER MET ANY OF THE OTHER INMATES LISTED ON THE RVR AND THIS WOULD INCLUDE: (1) ROBERT AMEZCUA, H-11889; (2) DAVID DELAHANTY, H-98667; (3) ROBERT STOCKTON, J-80492; (4) MARTIN VILLA, K-65583; AND (5) DONALD WHITE, J-74454. AS TO THE FIVE INMATES LISTED HEREIN THAT I HAVE NEVER MET THIS WOULD INCLUDE BUT NOT BE LIMITED TO: (1) A FACE TO FACE PHYSICAL ENCOUNTER; (2) LIVING IN THE SAME PRISON HOUSING POD; (3) ANY FORM OF CORRESPONDENCE; AND (4) ANY VERBAL CONVERSATION OF ANY KIND WITH THESE FIVE INMATES FACE TO FACE. THESE FIVE INMATES ARE UNKNOWN TO ME.

12. MY RVR WAS BASED ON MY INDIVIDUAL ACTS AND VIOLATIONS OF THE CCR TITLE 15 § 3024(a)(2006). THERE WAS NO CHARGE LEVIED, EVIDENCE PREDICTED OR CONVICTION OBTAINED WHICH SUPPORTED MY INVOLVEMENT IN A CONSPIRACY OR ATTEMPTED CONSPIRACY WITH ANY OTHER INMATE. THUS, ON INFORMATION AND BELIEF, THERE WAS NO REASON WHATSOEVER THAT WARRANTED MY PERSONAL INFORMATION FROM MY C-FILE BEING DISCLOSED TO OTHER CDCR INMATES. MORE IMPORTANTLY, MY RVR WAS NOT PRISON GANG RELATED. MOST IMPORTANTLY, EVEN THE CDCR 1030 CONFIDENTIAL DISCLOSURE FORM USED IN THE RVR PROCESS (CORRECTLY AND SPECIFICALLY) OMITS ANY AND ALL ALLEGED PRISON GANG ASSOCIATIONS (EXH.A, PG.6), NOR DID THE "FLYER" THAT PRISN OFFICIALS INTERCEPTED WHICH CONTAINED THE ADDRESS OF CALIFORNIA ASSEMBLIMEMBER JACKIE GOLDBERG, 106 N. AVE. 56, HIGHLAND, CA. 92341 (EXH.A, PG.7.) MY RVR

---

CASE NO. CVPI-07-1388 , MORRIS V. MOREL, et al.; DECL MORRIS, C-06409

SHOULD NOT HAVE CONTAINED ANY OF THE OTHER NINE CDCR INMATES' PERSONAL INFORMATION RELATED TO THEIR ALLEGED PRISON GANG STATUS AND THEIR CDCR IIS (S) SHOULD NOT HAVE CONTAINED ANY PERSONAL REFERENCE TO ME AND SPECIFICALLY NOT MY ALLEGED PRISON GANG ASSOCIATION.

13. ON INFORMATION AND BELIEF, WHEN D. HAWKES, R. MOORE, AND M. PEÑA, DISCLOSED MY PERSONAL INFORMATION TO OTHER CDCR INMATES IT IS NOW POSSIBLE THAT OTHER INMATES, WHO PREVIOUSLY HAD ABSOLUTELY NO KNOWLEDGE OF MY ALLEGED PRISON GANG ASSOCIATION, COULD NOW IDENTIFY ME AS ACTIVE PRISON GANG ASSOCIATE (WHICH I AM NOT) IN AN ATTEMPT TO GAIN PERSONAL FAVOR WITH CDCR OFFICIALS (E.G., DEBRIEFING PROCESS, BUT NOT LIMITED TO). ADDITIONALLY, THE INFORMATION COULD BE USED TO TARGET ME FOR PHYSICAL ASSAULT BASED SPECIFICALLY ON AND FOR NO OTHER REASON THAN A DIFFERENT PRISON GANG ASSOCIATE TAKING THE DISCLOSED INFORMATION AS FACT, WHICH THEY COULD NOT HAVE WITHOUT DEFENDANTS' NEGLECTIVE DISCLOSURE.

14. ON INFORMATION AND BELIEF, THE DISCLOSURE OF MY PERSONAL INFORMATION TO OTHER CDCR INMATES BY DEFENDANTS NOT ONLY FAILED TO MEET OR ESTABLISH ANY LEGITIMATE PENALOGICAL INTERESTS BUT IT WAS ALSO NOT LEAST RESTRICTIVE AVAILABLE OPTION THAT DEFENDANTS COULD HAVE USED TO PROTECT BOTH MY PRIVACY RIGHTS AND THE LEGITIMATE PENALOGICAL INTERESTS OF THE CDCR. DEFENDANTS COULD HAVE: (1) ISSUED EACH INMATE A CDCR IIS RVR THAT ALLEGED ONLY THAT SPECIFIC INMATE'S INVOLVEMENT WITH THE ALLEGED INFRACTION. DEFENDANTS COULD HAVE STILL USED THE "FLYER" (EXH.A, PG.7) AS THEIR EVIDENCE TO SUPPORT THE INFRACTION. WHEN DEFENDANTS USED THE FLYER AS EVIDENCE THEY WOULD BE REQUIRED TO PROVIDE THE INMATE WITH A COPY OF THE FLYER TO MEET DUE PROCESS REQUIREMENTS. AT THIS POINT, THEY COULD BLACK OUT ALL THE NAMES OF OTHER INMATES ON THE FLYER EXCEPT FOR THE NAME THAT CORRESPONDED TO EACH INDIVIDUAL INMATE AND THEIR RVR.; (2) ISSUED EACH INMATE A CDCR IIS RVR THAT ALLEGED THEIR INDIVIDUAL INVOLVEMENT WITH THE ALLEGED INFRACTION AND THEN PROVIDED EACH INMATE A COPY OF THE FLYER AS EVIDENCE

CASE NO. CVPI-07-1388, MORRIS V. MOREL ET AL; DECL. MORRIS, CO 6469

TO BE USED AGAINST THEM DURING THE RVR PROCEEDINGS. IF DEFENDANTS FELT IT IS/WAS IMPERATIVE TO NOT BLACK OUT ANY OTHER INMATE(S) NAMES AS THIS MAY ALTER A PIECE OF EVIDENCE, THIS IS AN AVAILABLE OPTION BUT MOST NOTABLY THEY COULD STILL REFRAIN FROM DISCLOSING ANY INMATE'S PERSONAL INFORMATION (E.G., ALLEGED PRISON GANG ASSOCIATION) BECAUSE THEIR MAIN PIECE OF EVIDENCE "THE FLYER" MAKES NO REFERENCE TO AN INMATE'S ALLEGED PRISON GANG ASSOCIATION (EXH. A, PG. 7), NOR DOES THE CDCR 1030 FORM (EXH. A, PG. 6), NOR WAS THE RVR PRISON GANG ACTIVITY RELATED (EXH. A, PG. 1-7). THE ABOVE OPTIONS WERE READILY AVAILABLE TO DEFENDANTS YET THEY CHOSE TO DISREGARD THEM AND INSTEAD USED THE MOST EXTREME OPTION WHICH RESULTED IN THE VIOLATION OF MY PRIVACY RIGHTS.

I SWEAR UNDER THE PENALTY OF PERJURY OF THE LAWS OF THE STATE OF CALIFORNIA THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AS TO MATTERS ON INFORMATION AND BELIEF, I BELIEVE THEM TO BE TRUE, AND THIS DECLARATION WAS EXECUTED THIS 8TH DAY OF JULY, 2007, AT PBSP, CRESCENT CITY, CA, 95531-7500

Jack L. Morris  
JACK L. MORRIS  
DECLARANT

JACK L. MORRIS  
CDCR I.D. NO. C-66409  
P.O. BOX 7500  
CRESCENT CITY, CA.  
95531-7500

IN PRO PER

ENDORSED  
FILED

AUG 20 2007

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF DEL NORTE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF DEL NORTE

JACK L. MORRIS,

CASE NO. CVPI-07-1388

PLAINTIFF,

DECLARATION OF WILLIAM CASTRO,  
CDCR I.D. NO. C-42238

VS.

ROBERT A. HOREL, WARDEN, et al.,

DEFENDANTS,

I, WILLIAM CASTRO, DECLARE AS FOLLOWS:

1. I AM NOT A PARTY TO THIS ACTION. I AM COMPETENT TO TESTIFY TO THE MATTERS AS SET FORTH HEREIN, AND IF CALLED TO DO SO, I WOULD AND COULD SO TESTIFY. I SUBMIT THIS DECLARATION IN SUPPORT OF PLAINTIFF'S CALIFORNIA TORT CLAIM LITIGATION AGAINST DEFENDANT ROBERT A. HOREL, WARDEN, ET AL..

2. ON JULY 20, 2006, I RECEIVED A CALIFORNIA DEPARTMENT OF CORRECTIONS AND RE-HABILITATION ("CDCR") 115 RULE VIOLATION REPORT ("RVR") 106 NO. D06-07-0014 AT PELICAN BAY STATE PRISON ("PBSP") FOR THE SPECIFIC INFRACTION OF CCR TITLE 15 § 3024(a) (2006) UNAUTHORIZED BUSINESS DEALINGS.

3. THE CDCR 115 RVR WAS AUTHORED BY D. HAWKES, CORRECTIONAL COUNSELOR II ("CC II"), REVIEWED BY R. MOORE, CORRECTIONAL SERGEANT, AND CLASSIFIED BY M. PEÑA, CC II, ON JULY 26, 2006.

CASE NO. CVPI-07-1388 , MORRIS V. HOREL, et al.; DECL. CASTRO; CDCR I.D. NO. C-42238

4. MY CDCR #15 RVR WAS ISSUED TO ME FOR MY ALLEGED INDIVIDUAL ACTS. THERE WAS NO CHARGE LEVIED, EVIDENCE PROFERRED, NOR CONVICTION OBTAINED THAT SUPPORTED ME BEING INVOLVED IN A CONSPIRACY OR ATTEMPTED CONSPIRACY WHICH INCLUDED ANY OTHER CDCR INMATE.

5. MY CDCR #15 RVR WAS IDENTICAL TO THE CDCR #15 RVR ISSUED TO PLAINTIFF JACK L. MORRIS ON JULY 27, 2007. MY CDCR #15 RVR DOES CONTAIN PERSONAL INFORMATION RELATED TO JACK L. MORRIS' ALLEGED ASSOCIATION TO THE MEXICAN MAFIA PRISON GANG. THIS INFORMATION WAS NOT RELEVANT TO MY CDCR #15 RVR NOR WAS IT USED AS ANY KIND OF EVIDENCE IN MITIGATION OR AGGRAVATION OF MY RVR PROCEEDINGS. (A COPY OF MY RVR IS ATTACHED TO THIS DECLARATION.)

I SWEAR UNDER THE PENALTY OF PERJURY OF THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT, AND THAT THIS DECLARATION WAS EXECUTED THIS 16TH DAY OF JUNE, 2007, AT PSCP, CRESCENT CITY, CA. 95531-7506.

William R. Castro  
WILLIAM CASTRO  
CDCR I.D. NO. C-42238  
DECLARANT

CASE NO. CVPI-07-1388 , MURRIS V. HARREL, et al.; DECL. CASTRO, CDCR I.D. NO. C-42238

## RULES VIOLATION REPORT

CDC NUMBER C-42236	INMATE'S NAME CASTRO	RELEASE/BOARD DATE	INST. PBSP	HOUSING NO. D07-117L	LOG NO. D06-07-0014
VIOLATED RULE NO./ 3024(a)	SPECIFIC ACTS UNAUTHORIZED BUSINESS DEALINGS	LOCATION IGI ROOM	DATE 07-14-06	TIME 0900 HRS	
CIRCUMSTANCES					

On July 14, 2006, the Institution Gang Investigation unit received for review flyers being sent in to various inmates at Pelican Bay State Prison Security Housing Unit from "Margie Ghiz" (Marguerite Ghiz-Gillies), 840 Grant Street, Santa Monica, CA, 90405 of Art Release (Artrelease.org). The flyers announced plans to have an art show called Art Behind Bars, also promoted by California Assemblymember Jackie Goldberg. The art show reception is to take place at the Assemblymember's office August 12, 2006, but then continue until October 12, 2006. Based on the previous activities of Art Release selling art work under the name Art Behind Bars at art shows, it is reasonable to believe that this is the purpose for this art show. Confidential Memorandum dated July 17, 2006 reports the activities of Ms. Ghiz-Gillies and others who have joined together to sell artwork for inmates in the Security Housing Unit.

CONT ON PART C

REPORTING EMPLOYEE (Typed Name and Signature) ► D. HAWKES, CORRECTIONAL COUNSELOR II	DATE 7/26/06	ASSIGNMENT IGI	RDO'S 2/W 5/S/H
REVIEWING SUPERVISOR'S SIGNATURE ► SERGEANT R. MOORE	DATE 07/26/06	□ INMATE SEGREGATED PENDING HEARING	
CLASSIFIED □ ADMINISTRATIVE □ SERIOUS	OFFENSE DIVISION: F	DATE 7/26/06	CLASSIFIED BY (Typed Name and Signature) ► M. PENA, CPT
		HEARING REFERRED TO □ HO <input checked="" type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC	

COPIES GIVEN INMATE BEFORE HEARING

<input checked="" type="checkbox"/> CDC 115	BY: (STAFF'S SIGNATURE) ► W. Coleman	DATE 7/27/06	TIME 12:55	TITLE OF SUPPLEMENT 1030 Confidential Disclosure
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE) ► N/A	DATE	TIME	BY: (STAFF'S SIGNATURE) ► W. Coleman
				DATE 7/27/06

HEARING

The issuing officer used simple English and short sentences to ensure the inmate understood what was issued to him as well as the circumstances of the offense.

ART FLYER PHOTOCOPY EVIDENCE  
AND 1819 ISSUED ON 8-4-06  
at 1155. X 82L

W. Coleman  
SIGNATURE OF ISSUING OFFICER

PELICAN BAY S.H.U.  
UNIT D-7

SEE ATTACHED 115-C FOR HEARING SUMMARY

REFERRED TO  CLASSIFICATION  BPT/NAEA

ACTION BY: (TYPED NAME)

R. Rife

SIGNATURE

D. Hawkes

DATE

8/11/06 0831

REVIEWED BY: (SIGNATURE)

P. Kelley

DATE

8-23-06

CHIEF DISCIPLINARY OFFICER'S SIGNATURE

C. M. Scavetta A.W.

DATE

8/29/06

 COPY OF CDC 115 GIVEN INMATE AFTER HEARING

BY: (STAFF'S SIGNATURE)

W. Coleman

DATE

8/11/06 11:50

## RULES VIOLATION REPORT - PART C

CDC NUMBER <u>C-42238</u>	INMATE'S NAME <u>CASTRO</u>	LOG NUMBER D08-07-0014	INSTITUTION PBSP	TODAY'S DATE 07-14-06
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF: <input checked="" type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER			

The prisoner artists for this show are listed as Robert Amezcua H-11389 (C10-109, Mexican Mafia associate), William Castro C-42238 (D07-117, Mexican Mafia associate), David Delahamby H-98667 (D03-106L, Nazi Low Rider member), Robert Montenegro C-63049 (D07-118, Mexican Mafia associate), Jack L. Morris C-06409 (D07-217, Mexican Mafia associate), Gabriel Ramirez C-70702 (D07-219, Mexican Mafia associate), Gabriel Reyes C-88996 (D07-119, Mexican Mafia associate), Robert Stockton J-80992 (D07-124, not validated - evidence of association with Nazi Low Riders and Aryan Brotherhood), Martin Villa K-65583 (D07-212, Mexican Mafia associate), and Donald White J-74454 (D03-118, Nazi Low Riders member). Montenegro, Morris, Ramirez, Reyes, Stockton, and White were previously issued rule violation reports for their participation with Ghiz-Gillies in selling their artwork (disciplinary reduced from serious to a CDC 128A). Amezcua was found guilty of a serious rule violation report for his selling of artwork also. This activity is in violation of California Code of Regulations, Title 15, Section 3024 (a), Business Dealings By inmates, which states in part, "Inmates shall not engage actively in a business or profession except as authorized by the institution head or as provided in Section 3104. For the purpose of this section, a business is identified as any revenue generating or profit making activity." Accordingly, inmates may not engage in revenue generating or profit making activities without first obtaining approval from the institution head (Warden). Even eligibility for participation in a handicraft program per Section 3100 requires the inmate to be in Privilege Group A or B (Section 3100 (b)). All of the stopped incoming mailings were disapproved according to Section 3024 (b), and the material deemed contraband per Section 3006 (c) (G). Notification of the disapproval and the authority for disapproval was provided to the inmates via CDC Form 1819. Additional information is documented in Confidential Memorandum dated July 17, 2006.

This inmate is not EOP or Crisis Bed. Following current guidelines for Mental Health Assessments, the circumstances of this offense have been carefully evaluated. The Reviewing supervisor has concluded that a Mental Health Assessment is not required.

PEL 7/27/06 D.I.C.  
UNIT D-7

SIGNATURE OF WRITER <u>CCZ</u>	DATE SIGNED <u>7-27-06</u>
GIVEN BY: (Staff's Signature) <u>W. Bellman</u>	DATE SIGNED <u>7-27-06</u>
<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	TIME SIGNED <u>1255</u>

JACK L. MORRIS  
CDCR I.D. No. C-06409  
P.O. Box 7500  
CRESCENT CITY, CA.  
95531-7500

IN PRO PER

ENDORSED  
FILED

AUG 20 2007

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF DEL NORTE

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF DEL NORTE

JACK L. MORRIS,

PLAINTIFF,

vs.

ROBERT A. HOREL, WARDEN, et al.,

DEFENDANTS.

CASE NO. CVPI-07-1388

DECLARATION OF GABRIEL RAMIREZ,  
CDCR I.D. No. C-70702

I, GABRIEL RAMIREZ, DECLARE AS FOLLOWS:

1. I AM NOT A PARTY TO THIS ACTION. I AM COMPETENT TO TESTIFY TO THE MATTERS AS SET FORTH HEREIN, AND IF CALLED UPON TO DO SO, I COULD AND WOULD SO TESTIFY. I SUBMIT THIS DECLARATION IN SUPPORT OF PLAINTIFF'S CALIFORNIA TORT CLAIM LITIGATION AGAINST DEFENDANT ROBERT A. HOREL, WARDEN, et al..

2. ON JULY 27, 2006, I RECEIVED A CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION ("CDCR") 115 RULE VIOLATION REPORT ("RVR") LOG NO. DOB-07-0017 AT PELICAN BAY STATE PRISON ("PBSIP") FOR THE SPECIFIC INFRACTION OF CCR TITLE 15 § 3024(a)(2006) UNAUTHORIZED BUSINESS DEALINES.

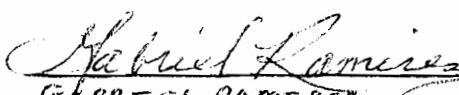
3. THE CDCR 115 RVR WAS AUTHORED BY D. HAWKES, CORRECTIONAL COUNSELOR II ("CC II"), REVIEWED BY V. FRANCE, CORRECTIONAL SERGEANT, AND CLASSIFIED BY M. PEÑA, CCII, ON JULY 26, 2007 AT PBSIP.

CASE NO. CVPI-07-1388, MORRIS v. HOREL, et al.; DECL. RAMIREZ, C-70702,

4. MY CDCR HS RVR WAS ISSUED TO ME FOR MY ALLEGED INDIVIDUAL ACTS. THERE WAS NO CHARGE LEVIED, EVIDENCE PROFERRED, OR CONVICTION OBTAINED, THAT SUPPORTED ME BEING INVOLVED IN A CONSPIRACY OR ATTEMPTED CONSPIRACY WITH ANY OTHER CDCR INMATE.

5. MY CDCR HS RVR WAS IDENTICAL TO THE CDCR HS RVR ISSUED TO PLAINTIFF ON OR ABOUT JULY 27, 2006. THE ONLY DIFFERENCE WAS, MY RVR WAS REVIEWED BY V. FRANCE AND NOT R. MOORE AS PLAINTIFF'S WAS. MY CDCR HS RVR DOES CONTAIN PERSONAL INFORMATION RELATED TO PLAINTIFF JACK L. MORRIS' ALLEGED ASSOCIATION TO THE MEXICAN MAFIA PRISON GANG. IT IS MY OPINION AND BELIEF THAT PLAINTIFF'S PERSONAL INFORMATION HAD ABSOLUTELY NO RELEVANCE TO MY RVR, WAS NOT USED AS EVIDENCE IN MY RVR PROCEEDINGS, WAS NONE OF MY BUSINESS AND SHOULD NOT HAVE BEEN DISCLOSED TO ME BY CDCR PERSONNEL.

I SWEAR UNDER PENALTY OF PERJURY OF THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT, AND THAT THIS DECLARATION WAS EXECUTED THIS 15TH DAY OF JUNE, 2007, AT PBSP, CRESCENT CITY, CA. 95531-7500.

  
\_\_\_\_\_  
GABRIEL RAMIREZ  
CDCR I.D. NO. C-70702  
DECLARANT

---

CASE NO. CVPI-07-1388, MORRIS V. MOREL, ET AL.; GABRIEL RAMIREZ, C-70702

JACK L. MORRIS  
CDCR I.D. NO. C-06404  
P.O. BOX 7500  
CRESCENT CITY, CA.  
75531.7500

IN PRO PER

ENDORSED  
FILED

AUG 20 2007

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF DEL NORTE

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF DEL NORTE

JACK L. MORRIS,

PLAINTIFF,

VS.

ROBERT A. HOREL, WARDEN, et al.,

DEFENDANTS.

CASE NO. CVPI-07-1388

DECLARATION OF ROBERT MONTENEGRO,  
CDCR I.D. NO. C-63849

I, ROBERT MONTENEGRO, DECLARE AS FOLLOWS:

1. I AM NOT A PARTY TO THIS ACTION. I AM COMPETENT TO TESTIFY TO THE MATTERS AS SET FORTH HEREIN, AND IF CALLED UPON TO DO SO, I WOULD AND COULD SO TESTIFY. I SUBMIT THIS DECLARATION IN SUPPORT OF PLAINTIFF'S CALIFORNIA TORT LITIGATION AGAINST DEFENDANT ROBERT A. HOREL, WARDEN, ET AL..

2. ON JULY 27, 2006, I RECEIVED A CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION ("CDCR") 115 RULE VIOLATION REPORT ("RVR") LOG NO. D06-07-0015 FOR THE SPECIFIC INFRACTION OF CCR TITLE 15 § 3024(a) (2006) UNAUTHORIZED BUSINESS DEALINGS. (SEE ATTACHED "7-26-06 CDCR 115 RVR, PG. 1 OF 2.)

3. THE CDCR 115 RVR HAD BEEN AUTHORED BY D. HAWKES, CORRECTIONAL COUNSELOR II ("CCII"), REVIEWED BY R. MOORE, CORRECTIONAL SERGEANT, AND CLASSIFIED BY M. PEÑA, CCII, ON JULY 26, 2006 AT PELICAN BAY STATE PRISON ("PBSR").

CASE NO. CVPI-07-1388, MORRIS V. HOREL, ET AL; DECL. MONTENEGRO, C-63849, WITH COPY OF 7-26-06 CDCR 115 RVR

4. MY CDCR 115 RVR WAS IDENTICAL TO THE CDCR 115 RVR ISSUED TO PLAINTIFF ON OR ABOUT JULY 27, 2006. MY CDCR 115 RVR DOES CONTAIN PERSONAL INFORMATION RELATED TO PLAINTIFF JACK L. MORRIS' ALLEGED ASSOCIATION TO THE MEXICAN MAFIA PRISON GANG. (SEE ATTACHED 7.26.06 CDCR 115 RVR, PG. 2 OF 2, LOG # DUG.07.0015.)

I SWEAR UNDER PENALTY OF PERJURY OF THE LAWS OF THE STATE OF CALIFORNIA THE FOREGOING IS TRUE AND CORRECT, AND THAT THIS DECLARATION WAS EXECUTED THIS 13TH DAY OF JUNE, 2007, AT POSF, CRESCENT CITY, CA. 95531-7500.

  
\_\_\_\_\_  
ROBERT MONTENEGRO  
CDCR I.D. NO. C-63849  
DECLARANT

---

CASE NO. CVPI-07-1388, MORRIS V. HORN, ET AL.; DECL. MONTENEGRO, C-63849, WITH COPY OF 7-26-06 CDCR 115 RVR

## RULES VIOLATION REPORT

CDC NUMBER <u>C-63849</u>	INMATE'S NAME <u>MONTENEGRO</u>	RELEASE/BOARD DATE <u>MERD 5-15-2005</u>	INST. <u>PBSR</u>	HOUSING NO. <u>D07-116L</u>	LOG NO. <u>D06-07-0015</u>
VIOLATED RULE NO(S). <u>3024(a)</u>	SPECIFIC ACT <u>UNAUTHORIZED BUSINESS DEALINGS</u>	LOCATION <u>IGI ROOM</u>	DATE <u>07.14.06</u>	TIME <u>0900 HRS</u>	

## CIRCUMSTANCES

On July 14, 2006, the Institution Gang Investigation unit received for review flyers being sent in to various inmates at Pelican Bay State Prison Security Housing Unit from "Margie Ghiz" (Marguerite Ghiz-Gillies), 840 Grant Street, Santa Monica, CA, 90405 of Art Release (ArtRelease.org). The flyers announced plans to have an art show called Art Behind Bars, also promoted by California Assemblymember Jackie Goldberg. The art show reception is to take place at the Assemblymember's office August 12, 2006, but then continue until October 12, 2006. Based on the previous activities of Art Release selling art work under the name Art Behind Bars at art shows, it is reasonable to believe that this is the purpose for this art show. Confidential Memorandum dated July 17, 2006 reports the activities of Ms. Ghiz-Gillies and others who have joined together to sell artwork for inmates in the Security Housing Unit.

REPORTING EMPLOYEE (Typed Name and Signature) <u>D. Hawkes, Correctional Counselor II</u>	DATE <u>7/26/06</u>	ASSIGNMENT <u>IGI</u>	RDO'S <u>2/W S/S/H</u>	
REVIEWING SUPERVISOR'S SIGNATURE <u>SERGEANT R. MOORE</u>	DATE <u>07/26/06</u>	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING		
CLASSIFIED <input type="checkbox"/> ADMINISTRATIVE <input checked="" type="checkbox"/> SERIOUS	OFFENSE DIVISION: <u>7/26/06</u>	CLASSIFIED BY (Typed Name and Signature) <u>M. PENNA CII</u>	HEARING REFERRED TO <input type="checkbox"/> HO <input checked="" type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC	
COPIES GIVEN INMATE BEFORE HEARING				
<input type="checkbox"/> CDC 115 <u>115-C</u>	BY: (STAFF'S SIGNATURE) <u>U. Coleman</u>	DATE <u>7/26/06</u>	TIME <u>3:00</u>	TITLE OF SUPPLEMENT <u>1030 Confidential Disclosure</u>
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER <u>115-C</u>	BY: (STAFF'S SIGNATURE) <u>N/A</u>	DATE	TIME	BY: (STAFF'S SIGNATURE) <u>U. Coleman</u>

## HEARING

The issuing officer used simple English and short sentences to ensure the inmate understood what was issued to him as well as the circumstances of the offense.

ART FLYER PHOTOCOPY/EVIDENCE  
ISSUED ON 8-4-06 at 1200.

U. Coleman  
SIGNATURE OF ISSUING OFFICER

SEE ATTACHED 115-C FOR HEARING SUMMARY

REFERRED TO  CLASSIFICATION  BPT/NAEA

ACTION BY: (TYPED NAME)

CORRECTIONAL LIEUTENANT M. FERGUSON

REVIEWED BY: (SIGNATURE)

CAPTAIN G.A. KELLEY

COPY OF CDC 115 GIVEN INMATE AFTER HEARING

CDC 115 (7/88)

SIGNATURE

CHIEF DISCIPLINARY OFFICER'S SIGNATURE

C.J. SCAVETTA A.W.

DATE

TIME

8/1/06 0900

DATE

TIME

8/1/06

1139

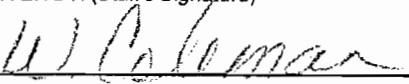
(EX-104A) (pg. 1) MORRIS V. HARTEL ET AL., PG. 1 JF.2

## RULES VIOLATION REPORT - PART C

CDC NUMBER C-63849	INMATE'S NAME MONTENEGERO	LOG NUMBER D06-070015	INSTITUTION PBSP	TODAY'S DATE 07-14-06
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF: <input checked="" type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER			

10 The prisoner artists for this show are listed as Robert Amezcua H-11089 (C10-109, Mexican Mafia  
 11 associate), William Ceclio C-42236 (D07-117, Mexican Mafia associate), David Detahanty H-98667 (D03-  
 12 106L, Nazi Low Rider member), Robert Montenegro C-63849 (D07-118, Mexican Mafia associate), Jack L.  
 13 Morris C-06409 (D07-217, Mexican Mafia associate), Gabriel Ramirez C-70702 (D07-219, Mexican Mafia  
 14 associate), Gabriel Reyes C-88996 (D07-119, Mexican Mafia associate), Robert Stockton J-80992 (D07-  
 15 124, not validated – evidence of association with Nazi Low Riders and Aryan Brotherhood), Martin Villa K-  
 16 65583 (D07-212, Mexican Mafia associate), and Donald White J-74454 (D03-118, Nazi Low Riders  
 17 member). Montenegro, Morris, Ramirez, Reyes, Stockton, and White were previously issued rule violation  
 18 reports for their participation with Ghiz-Gillies in selling their artwork (disciplinary reduced from serious to a  
 19 CDC 126A). Amezcua was found guilty of a serious rule violation report for his selling of artwork also. This  
 20 activity is in violation of California Code of Regulations, Title 15, Section 3024 (a), Business Dealings By  
 21 inmates, which states in part, "Inmates shall not engage actively in a business or profession except as  
 22 authorized by the institution head or as provided in Section 3104. For the purpose of this section, a business  
 23 is identified as any revenue generating or profit making activity." Accordingly, inmates may not engage in  
 24 revenue generating or profit making activities without first obtaining approval from the institution head  
 25 (Warden). Even eligibility for participation in a handicraft program per Section 3100 requires the inmate to  
 26 be in Privilege Group A or B [Section 3100 (b)]. All of the stopped incoming mailings were disapproved  
 27 according to Section 3024 (b), and the material deemed contraband per Section 3006 (c) (6). Notification of  
 28 the disapproval and the authority for disapproval was provided to the inmates via CDC Form 1619.  
 29 Additional information is documented in Confidential Memorandum dated July 17, 2006.

This inmate is not EOP or Crisis Bed. Following current guidelines for Mental Health Assessments, the circumstances of this offense have been carefully evaluated. The Reviewing supervisor has concluded that a Mental Health Assessment is not required.

SIGNATURE OF WRITER 		DATE SIGNED 7/14/06
<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature) 	DATE SIGNED 7-27-06
	TIME SIGNED 1340	

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar

er, and address):

FOR COURT USE ONLY

JACK L. MORRIS, CDCR I.D. NO. C-66409  
 PELICAN BAY STATE PRISON  
 P.O. BOX 7506  
 CRESCENT CITY, CA. 95531. 7506

TELEPHONE NO.: N/A

E-MAIL ADDRESS (Optional): N/A

ATTORNEY FOR (Name): IN PRO PER

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF DEL NORTE**

STREET ADDRESS: 450 H STREET ROOM 209

MAILING ADDRESS: 450 H STREET ROOM 209

CITY AND ZIP CODE: CRESCENT CITY, CA. 95531

BRANCH NAME: DEL NORTE COUNTY SUPERIOR COURT

PLAINTIFF/PETITIONER: JACK L. MORRIS

DEFENDANT/RESPONDENT: ROBERT A. MOREL, WARDEN, et al.,

**NOTICE AND ACKNOWLEDGMENT OF RECEIPT - CIVIL**

CASE NUMBER:

CVPI-07-1388

TO (insert name of party being served): DEFENDANT ROBERT A. MOREL, WARDEN, et al., (see compl. pf no. 1)  
 SPECIFICALLY, DEFENDANT C.M. SCAVETTA

**NOTICE**

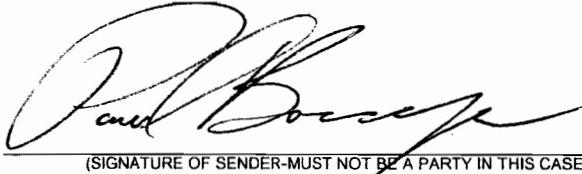
The summons and other documents identified below are being served pursuant to section 415.30 of the California Code of Civil Procedure. Your failure to complete this form and return it within 20 days from the date of mailing shown below may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a summons on you in any other manner permitted by law.

If you are being served on behalf of a corporation, an unincorporated association (including a partnership), or other entity, this form must be signed by you in the name of such entity or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of summons. If you return this form to the sender, service of a summons is deemed complete on the day you sign the acknowledgment of receipt below.

Date of mailing:

10-24-07 Paul Bocanegra

(TYPE OR PRINT NAME)



(SIGNATURE OF SENDER-MUST NOT BE A PARTY IN THIS CASE)

**ACKNOWLEDGMENT OF RECEIPT**

This acknowledges receipt of (to be completed by sender before mailing):

- A copy of the summons and of the complaint.
- Other (specify): EXHIBITS IN SUPPORT OF COMPLAINT

(To be completed by recipient):

Date this form is signed:

(TYPE OR PRINT YOUR NAME AND NAME OF ENTITY, IF ANY,  
ON WHOSE BEHALF THIS FORM IS SIGNED)(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF  
ACKNOWLEDGMENT IS MADE ON BEHALF OF ANOTHER PERSON OR ENTITY)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar

er, and address):

FOR COURT USE ONLY

JACK L. MORRIS, CDR I.D. NO. C-66409  
 PELICAN BAY STATE PRISON  
 P.O. BOX 7500  
 CRESCEANT CITY, CA. 95531. 7500

TELEPHONE NO.: N/A

FAX NO.(Optional): N/A

E-MAIL ADDRESS (Optional): N/A

ATTORNEY FOR (Name): IN PRO PER

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF DEL NORTE**

STREET ADDRESS: 450 H STREET ROOM 204

MAILING ADDRESS: 450 H STREET ROOM 204

CITY AND ZIP CODE: CRESCEANT CITY, CA. 95531

BRANCH NAME: DEL NORTE COUNTY SUPERIOR COURT

PLAINTIFF/PETITIONER: JACK L. MORRIS

DEFENDANT/RESPONDENT: ROBERT A. HOREL, WARDEN, et al.,

**NOTICE AND ACKNOWLEDGMENT OF RECEIPT - CIVIL**

CASE NUMBER:

CVPI-07-1388

TO (insert name of party being served): DEFENDANT ROBERT A. HOREL, WARDEN, et al., (see compl. pf no. 1)  
 SPECIFICALLY, DEFENDANT C.M. SCAVETTA

**NOTICE**

The summons and other documents identified below are being served pursuant to section 415.30 of the California Code of Civil Procedure. Your failure to complete this form and return it within 20 days from the date of mailing shown below may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a summons on you in any other manner permitted by law.

If you are being served on behalf of a corporation, an unincorporated association (including a partnership), or other entity, this form must be signed by you in the name of such entity or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of summons. If you return this form to the sender, service of a summons is deemed complete on the day you sign the acknowledgment of receipt below.

Date of mailing:

(TYPE OR PRINT NAME)

(SIGNATURE OF SENDER-MUST NOT BE A PARTY IN THIS CASE)

**ACKNOWLEDGMENT OF RECEIPT**This acknowledges receipt of (**to be completed by sender before mailing**):

1.  A copy of the summons and of the complaint.
2.  Other (specify): EXHIBITS IN SUPPORT OF COMPLAINT

**(To be completed by recipient):**

Date this form is signed:

(TYPE OR PRINT YOUR NAME AND NAME OF ENTITY, IF ANY,  
ON WHOSE BEHALF THIS FORM IS SIGNED)(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF  
ACKNOWLEDGMENT IS MADE ON BEHALF OF ANOTHER PERSON OR ENTITY)

# **EXHIBIT B**

**SUMMONS  
(CITACION JUDICIAL)**

NOTICE TO DEFENDANT: ROBERT A. HOREL, WARDEN, et al..  
(AVISO AL DEMANDADO) :

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

YOU ARE BEING SUED BY PLAINTIFF: JACK L. MORRIS, C-06409  
(LO ESTA DEMANDANDO EL DEMANDANTE) :

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

Tiene 30 DIAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol](http://www.courtinfo.ca.gov/selfhelp/espanol)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol](http://www.courtinfo.ca.gov/selfhelp/espanol)) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is: DEL NORTE COUNTY SUPERIOR COURT  
(El nombre y dirección de la corte es): 450 H STREET, ROOM 209  
CRESCENT CITY, CA.  
95531

CASE NUMBER: CVPI-07-1388  
(Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

JACK L. MORRIS, C-06409, PELICAN STATE PRISON, P.O. BOX 7500, CRES CENT, CITY, CA. 95531-7500  
SANDRA LINDERMAN

Court Executive Officer -

Clerk, by

(Secretario)

*J. KENDRICK*

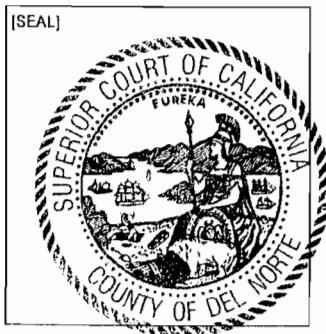
, Deputy  
(Adjunto)

DATE: 08/20/07  
(Fecha)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1.  as an individual defendant.
  2.  as the person sued under the fictitious name of (specify):
  3.  on behalf of (specify): JACK L. MORRIS  
under:  CCP 416.10 (corporation)  
 CCP 416.20 (defunct corporation)  
 CCP 416.40 (association or partnership)  
 other (specify):
  4.  by personal delivery on (date):
- CCP 416.60 (minor)  
 CCP 416.70 (conservatee)  
 CCP 416.90 (authorized person)



**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **J. Morris v. Horel, et al.**

No.: **CVP1 07-1388**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On **November 30, 2007**, I served the attached

**NOTICE OF REMOVAL OF ACTION  
UNDER 28 U.S.C. § 1441(b) (FEDERAL QUESTION)**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

**Jack L. Morris, C-06409  
Pelican Bay State Prison  
P. O. Box 7500  
Crescent City, CA 95531-7500  
Pro Per**

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **November 30, 2007**, at San Francisco, California.

M.M. Argarin  
Declarant

*M.M. Argarin*  
Signature